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to pay a large fine to the crown. These vexatious prosecutions, which fell chiefly, if not wholly, upon the old English gentlemen, were provided against by the second article of this oath, which was as follows:

The English favoured in the forest laws.

“ That he would not retain into his hands the woods of any clergyman or layman, as king Henry had done, who every year impleaded them for hunting even in their own woods, or for scrubbing up or cutting them down for their private occasions.”

The next great grievance which the common people complained of, was the payment of Dane-geld, which had been arbitrarily levied by all the princes of the Norman race. This tax was abolished by the following article:

Dane-geld abolished.

“ That the king, for ever, forgave the tax of Dane-geld, which amounted to two shillings for every hide of land, and which had been every year levied by his predecessors.”

Stephen's popular behaviour.

We are told in general, that Stephen, upon this occasion, swore to several other articles in favour of the people; but the particulars have not come to our hands. Besides those concessions, we are informed, by William of Malmesbury, that Stephen had an incredible sweetness and affability, even towards the lowest of the people. There was no man so mean, with whom he would not exchange a joke, discourse, or entertain. But what, perhaps, most of all contributed to his success, was his seizing, soon after his coronation, upwards of one hundred thousand pounds (equal to a million of our money) that had been amassed by Henry in the castle of Winchester. The proper distribution of such a sum as this, soon brought over many of the degenerated nobility, as his professions and manners had before endeared him to the clergy and the inferior ranks.

He seizes the treasure of the late king.

Conduct and views of the empress and her party.

We meet, all this time, with no efforts made on the part of the empress and her son. They either trusted to the nobility of England, who were bound by oath to support them; or to their kinsman, David king of the Scots, a people which, by long peace with England, were now powerful enough, not only to disturb her peace, but to endanger her succession; or else they were detained, by contrary winds, from passing over to England with a sufficient force to make their title good. Whatever may be in this, there is something very mysterious in the

The burial of the late king.

proceedings of those times: for we find, that Stephen, soon after his coronation, met the body of the late king, which seems to have been sent over to England by the empress, after she knew he was in possession of that crown, and was the chief mourner at his obsequies. He then, without the least obstruction, went to Oxford, where, in a full assembly, that he might take from the people all suspicion of his intentions, he repeat-

ed and confirmed all he had granted at his coronation.

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In the mean time, many noblemen of Matilda's party, astonished at the rapid progress of Stephen, retired to Scotland, where they were kindly received by king David.

Many English noblemen retire to Scotland.

That prince, more mindful, than others had been, of his engagements, immediately raised an army, with which he invaded England; and before Stephen's generals could make the least head against him, he seized upon Carlisle and Newcastle, and obliged all the nobility of the northern parts to give hostages for their fidelity to the empress and her son.

David king of Scotland invades England. His rapid progress.

This was the first alarm Stephen had met with in his government; but, far from being daunted, no sooner did he receive the news that David had treacherously seized those places, and all the forts in the north, excepting the castle of Bamborough, than he called out, “ Well, what he has seized by treachery, I will recover by arms.” One of the English historians has represented this expedition of the Scots, as if David had, under a shew of friendship, marched into England, and had been as a friend admitted into these forts, which he refused to deliver up. But this is very unlikely. I am indeed apt to believe, that the march of the Scot was very expeditious and sudden, and that those places were surrendered to him in right of the empress and her son. In a few days after, David seized upon the town of Werk, Alnwick and Norham, and prepared to attack Durham itself. But Stephen, by this time, had, with incredible diligence, marched northward with a great army, and advanced as far as Durham, notwithstanding the inclemency of the season. David, who expected a general insurrection in favour of his niece and her son, was struck with Stephen's expedition, and readily hearkened to some proposals of accommodation. Stephen, on the other hand, knew of what consequence it was to have that prince in his interest, and readily came into his terms, which were, That he should leave David in possession of the city of Carlisle, the town of Doncaster, with all the lands belonging to them; and that he should give him the investiture of the great earldom of Huntingdon. As to the earldom of Northumberland, which the prince of Scotland claimed, Stephen consented to refer it to the decision of his great council, there being some charges, brought by certain noblemen, against that prince, which must be tried by his peers of England (1). In return for all these concessions, David gave up all the other places he had taken, and mutual hostages were exchanged. As David, however, was a prince of very strict notions of honour, it was not so easy to settle the matter of homage he had already sworn to his niece; it was inconsistent with his honour to take a second oath of fidelity towards her person. An expedient, however, was fallen upon, which pleased both parties:

Stephen's spirit and courage. [Richard of Hexham.]

He marches against the Scots.

An accommodation set on foot.

and concluded.

Its terms.

(1) Deditque rex illi cum consulatu patris sui Huntadun, Carlel, et Donacastram, cum omnibus quæ ad ea pertinent; et, ut quidam aiunt qui se huic conventioni interfuisse testantur, promisit illi quod si comitatum Northanhymbricæ alicui dare vellent, prius calumniam Henrici filii regis Scotiæ super eo iuste in sua curia judicari faceret. Richard Prior of Hagulfsted, de Gest. R. S. et Bello Standardii.

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Reflection and conjecture on the inactivity of the empress and her party.

A council at Westminster.

The earl of Gloucester comes to England, and swears to Stephen's government.

Stephen takes foreign mercenaries into his pay.

His charter of liberties to the English. Tyrrel.

for Henry, prince royal of Scotland, immediately received the investiture of all the English estates, and performed homage instead of his father.

These transactions, on the part of a prince so nearly allied as David was to the empress and her son, give me a strong suspicion that her inactivity, and that of her party, in not making a formal claim of the crown, led the English of those times to think that they were now at liberty to bestow their allegiance on whom they pleased. The sequel of what happened this year, confirms me in this suspicion. For Stephen, returning from the north in the spring of the year 1136, held his Easter council at Westminster, in tranquility, and with a magnificence, till that time, unknown to English courts. About this time, Robert earl of Gloucester, either disgusted by the management of the empress, or the capricious arbitrary temper of her husband, or to prevent his English estate from being confiscated, passed over into England, where he performed homage to Stephen, upon this express condition: That it should remain in force as long as the king should keep his faith with him, and preserve his dignity entire. It was no hard matter for Stephen to see through these evasive stipulations; but the gaining over so great a man, even to be quiet, was of the utmost consequence to his affairs, in that infant state of his government. Dissembling therefore with the earl, he proceeded to strengthen his party. For this purpose, he took into his pay a great number of Flemish and other foreigners, all soldiers of fortune, ready for any desperate enterprize, and who under Henry had found no employment. With these, and the English mercenaries, he formed a large army, which seemed to extinguish all the hopes of the empress in England. At the same time, he made shew as if he intended to observe his coronation oath in the strictest manner, and ordered another council to be summoned at Oxford. There the bishops renewed their oath of fealty, and the king his of protecting them in all their just rights; at the same time confirming it with a charter, in the following terms:

" I Stephen, by the grace of God, and by the assent of the clergy and people, elected king of England, and consecrated by the lord William, archbishop of Canterbury, and legate of the holy Roman church; and being also confirmed by Innocent, bishop of the holy Roman see; Do hereby grant, for the respect and love of God, that holy church shall be free; and I do yield all reverence due to it. I promise to act nothing in the church, or in ecclesiastical affairs, simoniacally; nor will permit it to be done. I also grant and confirm the right and power of ecclesiastical persons, and all clerks, over their estates; and that the distributions of the goods of all ecclesiastics shall be in the hands of the bishops. I also grant and ordain, that the dignities of churches, confirmed by their privileges and their

customs, held by ancient rights, shall remain inviolable; as also, that all possessions and tenures of churches, which they held the day that king William my grandfather was alive and dead, I grant shall be free and absolute to them, without any recovery of those that may claim them. But if the church shall hereafter challenge any of those things, that were possessed or enjoyed before the king's death, and which it now may want, I reserve that to my indulgence and liberality, either to be farther discussed or restored: but whatsoever hath been bestowed upon it, either since the king's death, by the liberality and gifts of great men, or by the oblation, purchase, or any exchange of faithful Christians, I confirm; and farther promise, that I will keep and preserve peace and justice, in all things, to the utmost of my power. The forests which king William my grandfather, and William my uncle, have made and held, I reserve to myself; but all the rest, which king Henry had superadded, I restore and grant, quit and discharge, to the churches and kingdom. If any bishop, abbot, or other ecclesiastical person, shall reasonably distribute his goods before his death, or shall appoint them to be so distributed, I grant that it shall remain firm; but if he were prevented by death, distribution shall be made of them by the consent of his church, for the good of his soul. While episcopal sees shall remain vacant of pastors, both they and all their possessions shall be committed to the power and keeping of clerks, or other honest men of the same church, until a pastor can be canonically instituted. All exactions, miscarriages, and injustice, wickedly introduced, either by sheriffs or any other, I totally abolish. The good and ancient laws, and just customs, in murders, pleas, and other causes, I will observe, and do hereby command and ordain to be observed. Given at Oxford, in the year of the incarnation of our Lord 1136, and in the first year of my reign."

Malmesbury observes here, with great indignation, the names of the witnesses to this deed were so numerous, that he seemed to make it only that the whole nation might be witnesses of his perjury. However, though that historian, from the notoriety of the thing, neglects to set down the names of the witnesses to this charter, it may be proper to inform the reader, that it was signed by fourteen bishops; and, of the temporal peers, by Henry the prince royal of Scotland, by the earl of Gloucester, William de Warren, Ralph earl of Chester, Hugh Bigod, William Peverel, Ilbert Lacy, and many others. I have been the more particular in this relation, because it is a kind of evidence, that the nation in general was at this time satisfied with Stephen's right. Some spirits, however, there were, who, partly for their affection to the empress and her son, and partly through fickleness of disposition and impatience under government, created disturbances. Baldwin de Redvers

Malmesbury's observation upon the same.

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The earl of Devonshire rebels.

Stephen besieges him in the castle of Exeter, which he takes.

The earl escapes to the isle of Wight, which Stephen seizes.

Rebellion of Robert de Bathenton,

who is hanged in fight of his garrison.

Comotions of the Welsh,

who defeat the English.

Stephen gives indications as if he would break his oaths.

Redvers was a man of great consequence in the west of England, being earl of Devonshire, and lord of the isle of Wight. He had been under great obligations to the family of Henry I; nor did it appear that he had ever recognized Stephen's right: he therefore fortified the castle of Exeter, notwithstanding the opposition of the citizens, who were in Stephen's interest, and sent to him for assistance. Stephen instantly got together some troops, and besieged the castle. As it was very strong, the garrison made an obstinate defence; but was obliged, after three months, to surrender, for want of water, on condition of marching out with their baggage. The earl, who was not within the castle, escaped to the isle of Wight, whither he was pursued by Stephen, who not only expelled him from thence into France, but seized all his English estates.

Another intestine commotion, which happened about this time, was from Robert de Bathenton. This nobleman, who was of debauched life, revolted, and fortified his castle against Stephen, who prepared to reduce him. Robert, upon this, appeared willing to deliver his castle to the king, who sent messengers to take possession of it in his name; but Robert, meeting them with a shew of respect, found means to intoxicate them, so that giving them the slip, he again took possession of his castle, and maintained it against the king. But Stephen, now exasperated, marched against him in person; and Robert, despairing to hold out, fell into his hands, as he was endeavouring to escape by a rope over the castle-wall. The king, contrary to his usual disposition, ordered him to be hanged up in sight of his garrison, who, intimidated by his example, surrendered.

This year likewise was disturbed by a new invasion of the Welsh, who marched into and plundered the county of Cardigan. Having success at first, in a few weeks after, they invaded the Norman and Flemish possessions upon their borders, with more forces and greater fury. Being opposed by the English barons, with all the force they could get together, a bloody battle ensued near Cardigan, in which the Welsh killed no fewer than three thousand of their enemies, besides a great number drowned by the fall of a bridge over the river Tend. Among the English barons who were slain, are mentioned Robert Fitz-roger, and Pain Fitz-john. The Welsh made use of this great victory in over-running the nearest English possessions, after which they returned to their own country with great booty.

This defeat seems not to have affected Stephen so much with grief, as his successes in other places did with joy. He knew that he could make the Welsh his friends at any time; and that they had neither power nor dispositions to improve their advantages. He therefore went to hunt at Brompton in Huntingdonshire, where he first gave indications of his little regard to his oaths and charter; for he then prosecuted several noblemen for hunting in their own woods: a

proceeding which very much disgusted the English, and gave a handle to the earl of Gloucester for pretending that Stephen had broke his oath. Notwithstanding this, it is certain, that, in the two late rebellions, he behaved with great, but impolitic, clemency; for thinking it unadvisable to prosecute things to extremity, he pardoned all who were concerned, for which he is justly blamed by historians.

It is now time to turn our eyes towards Normandy. The empress Maud, and her husband, lived together upon such ill terms, that the barons there cast their eyes upon Theobald earl of Blois, eldest brother to Stephen, for their duke. In this they were countenanced by some doubts, arising in the feudal law, whether the son of an immediate heir female, ought to take place of the son of another female, the daughter of a male, but two degrees farther remote from the author of both their rights. This was the case between Theobald and young Henry, son to the empress. The former was the son of the Conqueror's daughter; the latter, of the Conqueror's grand-daughter, but she claiming by the heir male. Though, as the feudal law has been since explained, this could admit of little dispute, yet, that it was then matter of doubt, appears from many important subsequent disputes on the same account; and from several decisions, given soon after that time, upon particular principles of the feudal law, in favour of the son procreated by the immediate heir female. A meeting of the Norman barons being assembled at Newburgh, they offered to receive Theobald for their duke. From this step it is highly probable, that they thought of making him, at the same time, king of England; all of the assembly being entirely ignorant of Stephen's designs, and his success there. But while every thing was preparing for his investiture, certain intelligence came of Stephen's being declared king, and peaceably seated on the throne of England. Here the great objection of the Norman barons, which I have so often mentioned, took place. They who were possessed of great estates in both countries foresaw, that, in a dispute between the two brothers, they must be forfeited in one, their allegiance to both being incompatible. Stephen being by far the strongest, it was much more probable, that he, being now king of England, would reduce Normandy, than that Theobald, if made duke of Normandy, could wrest from Stephen the scepter of England.

These considerations made them, at first, cold in Theobald's interest; and, soon after, they receded from all their engagements. This disoblged Theobald so much, that he threw up all his concerns with them, and returned into France. The Norman barons had gone so far in treating with Theobald, that their country was now in a state of anarchy, each subject being left to guard his own property, without any head of common allegiance. The empress Maud, and her husband Geoffrey Plantagenet, appear, at this

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State of affairs in Normandy.

Case of the succession to that duchy.

The earl of Blois chosen duke of Normandy;

but the nobles of Normandy retract their allegiance from him.

A. D. 1136. this time, to have been equally unconcerned about their Norman as their English interests. At last, Geoffrey sent the empress into Normandy. There she was received by one Guigand, a person who, from mean extraction, had risen to great power in that country. By this man's assistance, her right was acknowledged by several of the Norman nobility; and she reduced to her obedience Argenton, Damfront, and many other places of importance. Geoffrey himself, soon after, marched into Sees. He was attended by Talvace earl of Ponthieu, and a strong body of his own subjects. But, instead of behaving with that temper which might reconcile the people to his person, his army spoiled the country, and plundered the churches. The Normans, exasperated at this, rose on a sudden, and put seven hundred of his followers to death. While Geoffrey was preparing to revenge this loss, he had an account of a rebellion breaking out against him in Anjou. This obliged him to retreat in haste out of Normandy; and his retreat seems to have been attended with the loss of all his interest there, excepting those towns which perhaps were held by the empress. For the Normans, by this time, receiving repeated informations of Stephen's great progress and power in England, many of them began to declare for him.

The empress received into Normandy.

Geoffrey Plantagenet invades Sees.

The Anjouins rebel against him.

The duchy of Normandy had, ever since the retreat of the earl of Anjou, continued in the same unsettled state in which it was left by Henry I. But, towards September, in the year 1136, Baldwin de Redvers earl of Devonshire, being, as we have seen, expelled out of England, applied to the earl of Anjou, and, together with the empress his wife, laid before him the shameful inactivity he had ever shewn with regard to all the succession of Henry I. This had such an effect upon him, that he again invaded Normandy with a great army, in which the earl of Ponthieu, and many other French noblemen, served. At first, he took several castles and towns, particularly Monstral and Lisieux. At last, Geoffrey himself, in besieging a small castle, was wounded in the foot. This obliged him to leave the campaign. About, or soon after, the same time, a great body of the Norman nobility declared openly in favour of king Stephen, and defeated a large detachment of the Anjovine troops. All these misfortunes entirely disconcerted Geoffrey's measures; and Normandy became, for that year, a dismal scene of bloodshed and calamity. Towns were taken, and skirmishes were fought; no regard being had to right, but every one acting as he was prompted by power or ambition.

During those commotions in Normandy, Stephen was employed in quelling the Scotch invasions or the English rebellions. A report of his death, which was occasioned by a lethargy he fell into, had likely to have proved fatal to his affairs: for Hugh Bigod seized the castle of Norwich, which he refused to deliver up to any but the king in person. The Normans of his party were dispirited, being afraid they should be left to the mercy of the earl of Anjou; while the

party of the empress resumed fresh courage. An incident which fell out at this time, gave the latter great advantages, through the mismanagement of Stephen: for his treasures being now mostly dissipated in corrupting and over-awing the nation, he seized the rents of the archbishopric of Canterbury, now vacant by the death of that prelate, together with all his ready money, he dying intestate. This was so directly contrary to his repeated oaths and professions, that the earl of Gloucester laid hold on it, as being an open breach of his coronation oath, and dissolving the allegiance he owed him.

Accordingly, we find this nobleman now entering into a negociation with the earl of Anjou, to whom he surrendered the country of Falaise, and the treasures of the late king, which remained in his hands. Not contented with this, he entered into private intrigues with the English nobility, whom he founded with regard to their affections towards the empress and her son. As Stephen had not yet declared himself a candidate for the duchy of Normandy, and as no war hitherto appears to have been declared between him and the empress, Stephen had no pretext for calling him to account for the surrender of Falaise. This step, however, together with the secret intelligence he had of the earl's cabals with the English, easily convinced him that the earl was now meditating to evade his oath of allegiance, according to the loose terms in which it was conceived.

The state of his affairs in Normandy, however, requiring his presence, Stephen went over thither in the spring of the year 1137, attended by the bishop of Lincoln and many of the English nobility. The earl of Gloucester prepared to follow him about a month after, but spent the interval in making dispositions for what he was then meditating in favour of the empress. At last, he went over. But he was no sooner landed, than he was informed, by one concerned in the design, that William de Ipres was employed by Stephen to intercept him, and either to carry him off a prisoner, or to dispatch him. The cautious earl, avoiding the snare, took another road; and Stephen then was sensible his design was betrayed. As he had ever affected a great shew of openness, this gave him vast uneasiness; but so well did he know how to dissemble dissimulation itself, that, instead of denying the fact, as one of less address might have done, he frankly confessed it, with a shew of most sincere repentance aggravating his fault, and thereby alone, says the historian, attenuating his guilt. I am apt to believe that this got the better of Robert's caution, after he had declined, for some days, to come near the court. Nay, and so much was he imposed upon by Stephen's seeming sincerity, that he gave him the form of an oath, which Stephen readily swore; That he never would be concerned in the like practices for the time to come. The archbishop of Roan then becoming the mediator, the hands of the king and the earl were by him joined, in sign of

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Stephen seizes upon the archbishopric of Canterbury.

The impolicy of that proceeding.

The intrigues of the earl of Gloucester against Stephen.

Stephen goes to Normandy.

He forms a plot to seize the earl of Gloucester.

Malmesbury.

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The king and the earl of Gloucester are reconciled.

Stephen's success in Normandy.

He buys the king of France from his brother's interest.

Peace between Stephen and the king of France.

The earl of Anjou again invades Normandy.

Peace between Stephen and him.

a reconciliation and future amity. Stephen then treated the earl with an excessive shew of freedom and familiarity; but the latter soon found that he was only amusing him, while he was daily stripped by the king of some of his possessions. However, as he was in Stephen's power, he was obliged to bear with all. All this time, Stephen was proceeding successfully in Normandy. The people had received him with general applause. The opposition he met with from the nobility was but faint, because separate. Some of them declared for Theobald, and others for the empress; while Stephen's party was superior to either. Theobald, as we have seen before, after his disappointment upon Normandy, went into France, where he was encouraged by that king to renew his pretensions. Though Theobald's personal interest there was not formidable to Stephen, yet it became so when backed by such an ally. But Stephen knew well with what weapons that prince could be best subdued; a sum of money soon detached him from Theobald's interest; and Theobald himself, unable longer to make head, compromised his claim for a pension of two thousand marks a year.

As to the king of France, he had an interview with Stephen, in May, 1137; where Stephen negotiated so successfully, that he obtained the investiture of the duchy of Normandy for his son Eustace, and a renewal of the league between that prince and his predecessor Henry. Stephen, being now strengthened by such an appearance of right, proceeded to reduce all the Norman lords who yet held out. Accordingly we find him, this year, dispossessing one Rabelle of his castles, and reducing many other places to his obedience.

But the earl of Anjou now invaded Normandy with all the strength of his dominions. Some towns he took, others he burnt, and proceeded as if he had intended rather to ruin than to govern the country. Stephen, after opposing him, marched to besiege Argenton, the most important place Geoffrey held in Normandy; but his mercenaries quarrelling among themselves, he was obliged to make a truce with Geoffrey for two years, and leave him in quiet possession of all he had taken in Normandy; the like conditions being stipulated for himself. This peace, though disadvantageous to Stephen, was necessary on account of his affairs in England, as we shall soon see; therefore, after reducing some other discontented barons in Normandy, he appointed William de Romer, and Roger le Viscount, his deputies there in his absence, and then prepared to repair to his regal dominions.

His desire of arriving there was increased by the information he had of a plot, to

place the king of the Scots on the throne of England. It is not, indeed, at all to be doubted, but that prince retained, among the old English, many favourers of his right of blood: but there is reason to believe, that if there ever was any such conspiracy, it was highly aggravated to Stephen by his regency; for the bishop of Ely pretended to have received information, that the old English designed, by a prefixed day, to murder all the Normans, to facilitate the king of Scotland's accession to the throne. This forgery, however improbable, gave a handle for many prosecutions and proscriptions.

Soon after Stephen's departure for Normandy, the king of the Scots entered England in a hostile manner. Though the historians of the times have given us but little light as to the rise of this invasion, yet it is possible, I believe, to fix upon a motive for it, more probable than that commonly assigned by the English, which is, David's former oath to the empress. By the treaty of Durham, he had divested himself, in favour of his son, of all his English estate; but, by the words I last quoted in the notes, his claim upon the earldom of Northumberland remained still to be discussed in a high court. That no pretence might be given, either to the king or nobles of England, of any disrespect on the part of David, Henry, the prince royal of Scotland, had attended Stephen to London, upon his return from Durham. Stephen, glad of ranking among his peers the first prince of the blood of Cerdic, affected to treat him with peculiar distinctions of honour, probably, that the party of the empress might understand, it was not impossible for a third claim to be revived, which might cut her and her's out of all hopes of succession, if she did not lie quiet. Henry was present when the charter of Oxford was passed, and, I believe, is the same who subscribes under the title of Henry the king's nephew (1). Stephen afterwards treated him with high marks of respect; for, on Easter-day, he gave him the precedence of all his nobility, spiritual and temporal, and seated him upon his own right-hand. This greatly disgusted the English nobility, particularly the archbishop of Canterbury and the earl of Chester: they threw out several opprobrious expressions against young Henry; and their resentment went so far, that they disrespectfully left the court. But those civilities, paid by Stephen, were easily seen through by David, who, to great understanding joined great virtue, one failing excepted, a munificence which degenerated into profusion to the church. He had sent his son into England, not to acquire unavailing honours, but actual possessions. As those courts, in which alone his claim could

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The king of the Scots invades England.

The reason of his invasion.

Difference between the prince royal of Scotland and the English peers.

(1) David quoque rex Scotiae avunculus ejusdem imperatricis, non immemor sacramenti quod ipse et universitas regni Henrico rege super successione ejus juraverat, continuo insurrexit in regnum Angliæ, et citius munitiones Cumberlandiæ et Northymbriæ cum populis adjacentibus obtinuit usque Dunelmum, præter Babhanburch. Accepit etiam fidelitates et obsequia a nobilioribus, quod conserverunt fidem nepti suæ. Occurrit ei rex Stephanus in capite jejunii non Febr. apud Dunelmum, ibi commoratus diebus xv. David quoque rex in novo castello se recepit. Habita igitur colloquutione, de pace inter eos, Henricus filius regis Scotiae fecit homagium regi Stephano apud Eboracum, in augmentum honoris de Hantedun, datis ei Dunelma, et Karleol. Cæteras munitiones et terras quas occupavit rex David, restituit. In Paschali vero festivitate rex Stephanus eundem Henricum in reverentia præferens, ad dextram suam sedere fecit. Idcirco Willielmus archiepiscopus Cantuariæ, et quidam procures cum Ranulfo comite Cestriæ, in juvenem contumeliosè locuti, a curia regis se amoverunt. Rex autem David receptum filium suum, noluit ad regem Stephanum remittere. Hist. Joannis Prioris Hagustaldensis.

A. D. 1137. be discussed, were held but at stated times, the young prince applied very assiduously for having the affair put an end to, and receiving the investiture, before he left England. Stephen, who never intended him any real service, put him off upon frivolous pretences; and David, upon this, ordered his son immediately to leave the court of England, and to return home. These transactions I thought worthy of observation, though taken notice of by none of our historians but one, but he of great weight, because cotemporary with the events; I mean, John Prior of Hexham.

The Scotch king orders his son to return from the court of England.

Thus we find the king of the Scots had other motives, besides the fealty he had sworn to the empress, for invading England. To this he was encouraged by a general disposition in the English to join him. Stephen's government was, at that time, in no condition to have resisted this invasion; and nothing could have broke the storm, but the venerable Thurstan archbishop of York, working upon the piety of king David. Though this prelate was now very old, yet he prevailed with David and his son to meet him at Roxburgh, a castle lying near the frontiers of both those kingdoms; where his remonstrances had such an effect, that the Scottish princes generously put a stop to all hostilities, till Stephen should return to England, and till he should be once more applied to for a definitive answer concerning the investiture of Northumberland.

The archbishop of York diverts the Scotch king from invading England.

Stephen had not as yet left Normandy: but an event happened for him at this juncture, that left him nothing to apprehend on that side; for Geoffrey Plantagenet, finding Stephen's power to be irresistible, and himself in needy circumstances, took advantage of the truce he had lately concluded, to negotiate a final accommodation with Stephen. Accordingly, the latter agreed to pay him five thousand pounds annually, for which he renounced all his whole pretensions upon whatever Stephen then actually possessed. Upon which, Stephen set sail for England, where he arrived about the middle of December, 1137.

Peace between Stephen and Geoffrey Plantagenet.

He no sooner came on shore, than the deputies from the king of the Scots met him, and, in their master's name, demanded the investiture of the county of Northumberland for the prince royal of Scotland. Stephen, who was sensible of the jealousy of the English barons against that king, and knowing that to them now he must chiefly trust for support, flatly denied their request. David and his party, who had never disarmed themselves, instantly declared the truce to be at an end, and hostilities recommenced. David had many friends, both among the old English and the Norman adherents of the empress, who considered him as the head of their party in England. Among others, Milo de Beauchamp, governor of the castle of Bedford, declared himself in favour of the king of the Scots, and fortifying his castle, prepared to defend it to the last extremity.

Stephen refuses to invest the prince of Scotland in Northumberland.

A defiance like this, thrown out in the heart of his kingdom, while a powerful invasion was threatened from its extremity, alarmed Stephen. He knew that Beauchamp never would have ventured upon this step, without many secret adherents, who were ready to declare in his favour. At the same time he heard that the strong castle of Wark was besieged by an army of Scots, under William, grand-nephew to David; and that several barons, in other parts, had revolted from their allegiance. He knew of what importance expedition was: he got together what forces he could: he laid siege to Bedford castle; and even despising the veneration of the times for Christmas-day, he on that day pressed it so warmly, that he soon took it. This amazing expedition disconcerted the conspiracy of Stephen's enemies in the southern parts; they had not yet declared themselves; nor would Beauchamp have done so, had not Stephen, who suspected him, peremptorily required him to deliver up his castle. They continued, however, in the same dispositions, waiting for the event of the war with the Scots.

A. D. 1138.

and besieges Bedford castle, and takes it.

The latter, all this time, were furiously pressing the castle of Wark. William, not being able to take it, David made his son Henry come to his assistance, and they assaulted it with all their forces. The inhabitants making a long and obstinate resistance, David thought it of more importance to march forward into England, to support his friends; he therefore left the siege unfinished, and advanced into Northumberland. The cruelties perpetrated in this march are highly exaggerated by the English writers; but very inconsistent with the character of David.

Wark besieged by the Scots.

In the beginning of February, 1138, Stephen advanced, with a strong army, to oppose the progress of the Scots; but David, either not willing, or not able, to fight him, drew off his army towards his own country. Stephen still advancing, passed the river Tweed, and laid waste some part of Scotland. The Scotch king still continued to retire, craftily hoping to bring Stephen to such distress, as that he should either oblige him to surrender, or cut off his army. This, we are told, he nearly effected; for retreating towards Roxburgh, he placed a strong body of forces within that castle, with orders to conceal themselves from the enemy. He then commanded the townsmen, if they were summoned by Stephen, to open their gates and admit him, while the ambush in the castle was to rise in the night-time, and he himself was at hand to support them with all his army. This bungling disposition, so inconsistent with the character of David, and the abilities he discovered on all occasions, both in war and peace, has been transmitted to us as fact, by the English historians of those days; but there is no occasion to have recourse to these improbable schemes (1). The truth is, that David, not chusing to retire farther into his

Stephen marches against the Scots.

His progress. David's stratagem to surprise Stephen.

own

(1) Quod ubi rex Scotiæ cognovit relicta Northymbria cum exercitu suo ad terram suam properavit; divertitque ad carrum, et postea terram suam intravit, et in quibusdam solitudinibus haud procul a Rochasburgh, cum exercitu suo latuit, insidiis regi Angliæ preparatis. Speravit enim quod ille in Rochasburgh hospitaretur. Præceperatque ejus civibus, ut quasi fidem illi

A. D. 1138.

A. D. 1138.

The English
greatly dis-
tressed by the
Scots.

own dominions, intrenched himself near Roxburgh, in a camp so strong, that Stephen durst not attack him; neither durst he undertake any siege of consequence, while David's army was in the field. In the mean time, as David had beforehand carried off all the means of subsistence, the English army found themselves in the utmost distress, and threatened no less than a mutiny. But this was not all; for David, by this conduct, gained one very important point, which was, that this diversion of Stephen's army gave such advantage to the party of the empress, in the south of England, that they were now in perfect readiness to declare in her favour.

Great service
done to the
empress by
the king of
the Scots.

Thus, in effect, all the success of the empress was owing to the wise conduct of the Scot; and however the English and the Scottish historians may differ in terms, they agree in the main of their relations as to this campaign. For Stephen, finding that to keep the field longer would endanger not his army only, but his crown, re-passed the Tweed, and advanced with hasty marches back to his own dominions, where a scene opened, which we must now attend.

Absurdity in
politics.

It has been hinted, by some historians, as if the English had chosen Stephen, that he might supply the defect of his title by the virtue of his government; but this was an over-refinement in politics, and will ever be found a dangerous experiment. A state may be endangered as much by the licentiousness of the people, as by the ambition of the prince, as true liberty is bounded with laws, and is equally abhorrent of both. The young nobility considered the defect of Stephen's title as an imbecillity of which they could ever take advantage, in forcing him not only to connive at their licentiousness, but to comply with their demands; and a pretender still existing to his crown, she was made use of to intimidate him, not through affection to her, but conveniency to themselves. William of Malmesbury gives us honestly to understand, that few or none of the English nobility, excepting Robert earl of Gloucester, who rebelled upon this occasion, acted upon principle. They rose in their demands upon the crown, in proportion as they thought it was embarrassed; and in their oppressions towards their fellow-subjects, in proportion as they imagined the government too weak to protect them. But Stephen was not of a spirit to sink under difficulties. He seemed to gather strength from the storm; and hearing of the repeated defections of his noblemen, "Since they have chosen me for king, said he, why do they now abandon me?" He then added his usual oath, "By the birth of God I'll never submit to be an outcast king."

State of Ste-
phen's go-
vernment.

Stephen's
great spirit.

The barons
who declare
against him.

The chief barons who declared against him on this occasion, were William Talbot; this nobleman held the castle of Hereford; Wil-

liam Lovel held that of Carew, Paganel that of Ludlow, William de Mohun that of Dunster, Eustace Fitz-john that of Malton in Yorkshire, William Fitz-allen that of Shrewsbury. These noblemen had all of them sworn homage to Stephen; they could not, therefore, without violating their oaths, and acting with a glaring inconsistency, declare in favour of the empress, only because of her right of blood. They therefore put their rebellion upon the footing of the king's breaking through his coronation oath and charters; and not only arbitrarily disseising some of his chief nobility of their liberty and estates upon bare suspicion, but of advancing foreigners, particularly William de Ipres, to the first places of power and profit within the kingdom.

Their pre-
tences.

Stephen, without amusing himself to answer those charges with any instrument but his sword, no sooner returned from his northern expedition, than he resolved to be beforehand with the rebels. He, therefore, instantly besieged the castle of Hereford with so much vigour, that it soon fell into his hands. That of Shrewsbury met with the same fate; and the king, to strike the greater terror into the other rebels, after taking it by storm, hanged up some of the garrison. Dover castle, by this time, declared against Stephen likewise. It was besieged by Matilda, Stephen's queen; but, terrified by the examples made of the garrison of Shrewsbury, it was delivered up by Wakelyn its governor.

Stephen's pro-
gress.

But those advantages were ineffectual for withstanding the torrents which were now ready to break upon Stephen from Scotland and Normandy. For Robert earl of Gloucester, seeing every thing ripe for a general insurrection, now avowed his design of invading England. The oath he had taken to Stephen, as well as to the empress, put him under great perplexities; and that decency of proceeding, for which he is so remarkable, would not suffer him to proceed precipitately. His first course was to disclaim the fealty, and to re-demand the homage he had sworn to Stephen before he went into acts of open hostility. This was a practice of very ancient standing among all nations of northern original, and we have already found an instance of it among our Saxon ancestors. Robert, therefore, sending over messengers into England to execute this commission, added to other reasons, that he had consulted several eminent clergymen, who had satisfied him, that the oath he had taken to the king bound him now to nothing but repentance; and, at the same time, produced the pope's requisition, that his latter oath to the king should give way to his former to the empress. This proceeding of the earl of Gloucester may be still reconciled to honour, if, as I have already taken notice,

Conduct of
the earl of
Gloucester.

See p. 206.

illi servaturi eum benigne suscipere; sed et præcepit, ut quando ipse nocte cum suo exercitu super veniret, et multitudo militum quos in oppido posuerat, subito erumperet, et cum civibus ei occurreret omnes in unum congregati undique regem Angliæ incautum circumvallentes, eum cum suis omnibus extinguerent. Sed Deus qui videt cogitationes quam vanæ sunt, has insidias ad nihilum redegit. Nam rex Angliæ Twedam transiens fluvium, ad Rochasburgh non divertit, sed magna parte terræ regis Scotiæ deprædata atque succensa tum quia multi ex militibus suis nec armis indui volebant nec bella gerere; erat enim initium quadragesimæ; tum quia rex Scotiæ et sui ei in bello occurrere non audebant, tum quia exercitui suo victus deficiebat, cum suis ad Suthangliam rediit. Historia Ricardi Prioris Hagustaldensis.

A. D. 1138. Matilda and her husband had never hitherto asserted their claim to the crown of England. As there is strong reason to believe this was the case, Robert certainly was at liberty to pay his obedience to that power who gave him protection; and his swearing to the king *de facto*, and that too only conditionally, may be justified upon all the principles of civil liberty. But that king having transgressed the obligations subsisting between him and his people, the latter were free to provide for their own safety, by having recourse to that power, whose title, though dormant, was preferable in right of blood, and who now took the opportunity of the king's violation of his oath to assert it. In this light, I think, stands the conduct of this great man upon this critical occasion; but perhaps he was single.

The earl of Gloucester vindicated in his political conduct.

The earl of Gloucester's defiance (for that is the term given, by our lawyers and historians, for the renunciation of allegiance) to the king, was attended with a seizure made, by the latter, of all his great estate in England, and many of his castles, some of which were razed to the ground. But we are now to attend the affairs of the north.

State of affairs in the north.

After Easter, 1138, David king of Scotland again invaded Northumberland, and the bishopric of Durham. His design, probably, was to draw Stephen from the southern parts, and thereby to favour the adherents of the empress. But the noblemen of the north, who all held great baronies by military tenures, associated among themselves to repel him.

[Ailred abbot of Rivalis.]

At the head of this association was Thurstan, the brave old archbishop of York. The

Names of the barons, and their characters, who opposed the Scots there.

other barons were, William earl of Almarle, a young nobleman of great spirit, and very active in arms; Walter de Gaunt, who was very old, but of great reputation, and at the head of a strong body of Flemings and Normans; Robert de Bruce, and his brother Adam, who, notwithstanding their personal attachments to the Scotch king, brought into the field a numerous body of brave young fellows, all compleatly armed; Roger de Moubay, who, though but a child, gave great sanction to the expedition by the greatness of his family and following; Walter Espec is mentioned likewise upon this occasion, a man of gigantic strength and stature, and accounted the best warrior in the north. These noblemen, with many others, after some consultation, resolved each to return to his estate, and raise all their followers to rendezvous by a certain day at York. The speech made them, at their meeting, by the old archbishop, is worthy of antiquity itself; and, though coming from the pen of a cotemporary author, it is polished far above the erudition of that age. In it he charges the Scots with very gross barbarities. But no sooner did the account of this resolution reach the king of the Scots, than he drew back his army, and besieged Norham, a castle and town belonging to the bishop of Durham, which, having taken it, he offered to restore to the bishop, provided he would renounce his allegiance to Stephen; but this offer being refused, the castle was

David besieges Norham,

and takes it.

ruined. David, encouraged by this success, dispatched William, his grand-nephew, into Yorkshire, to fight the van of the English army, which had advanced as far as a place called Clitherton, which I take to be Clithero, now lying within Lancashire. William was so successful, that he surprized this body of English, and cut them all to pieces, or took them prisoners. After which, he committed great disorders in the country, which served only to exasperate the English the more; though it appears to have been some time before they recovered this blow.

A. D. 1138.

The Scots defeat the English at Clitherton.

In the mean time, David again laid siege to the castle of Wark, the garrison of which had carried off his provisions, and routed some of his parties, in which he himself was in person; but the castle proving too strong, and hearing of the success of his arms at Clithero, he left the siege to be continued by some of his officers, and advanced to Yorkshire, with an intention to fight the enemy, after being joined by the detachment he had sent off under William. In his march he was joined by Eustace Fitz-john, who delivered up into his hands the castle of Alnwick; and, after failing in an attempt upon Bamborough castle, he put a body of about a hundred men, whom he met with in his march, to the sword, and destroyed the country; then passing the Tyne, fell into the

David besieges Wark.

Then marches into the bishopric of Durham.

bishopric of Durham. It appears as if the defeat at Clithero had disconcerted the noblemen of the association; but they being reinforced by a strong body of horse, sent them by the king, under the command of Bernard de Baliol, they continued in their resolution of opposing the progress of the Scots. David was now desolating the bishopric of Durham, and being joined by all his forces, was at the head of six and twenty thousand men. The English being far inferior to him in numbers, thought proper to act on the defensive; and, before they came to extremities, to try what could be done in the way of treaty. For this purpose they sent Robert de Bruce, and Bernard de Baliol, who held great possessions under the king of the Scots, with propositions to him, that if he would withdraw his arms out of the bishopric, they would prevail with the king to give him the investiture of Northumberland. But David, exasperated by former delays, and too deeply engaged with the party of the empress, rejected those propositions. Upon this, he was defied by both the deputies. A cotemporary author informs us, that David, of himself, was inclinable to accept of the propositions; but was diverted from his purpose by William his general, who upbraided Bruce as a traitor. And indeed it must be owned, for the honour of that prince, that he did all he could to prevent the excesses of his army; but in vain. His soldiers were not so much under his direction, as that of the head of their respective clans; a lawless race, unversed in every honest principle; cruel, because cowardly; and, inhabiting mountains and deserts, cut off from social life. Of such men was the bulk of David's army composed. As to the rest,

[John Prior of Hagulstad.]

The English make him propositions,

which he rejects.

Character of the Scotch highlanders of those times.

A. D. 1138. they had been polished, by a succession of peaceful princes, into English manners, and the arts of humanity. We are not, therefore, to throw the blame of the cruelties committed by the Scots, which are described by the English historians of those times, to their prince, or his court; but to that spirit which intervening ages have in vain attempted to humanise, and to that polity which succeeding governments have ineffectually tried to reform.

March and operation of the English army.

[John Prior of Hagulfstad.]

Description of the standard.

Disposition of both armies.

John Prior of Hagulfstad, Ailred of Rivallis, Innes.

The English deputies returned to their army, which, by this time, was advanced as far as Thrusk castle, under the direction of the old archbishop; but here that prelate resigned his command to Ralph bishop of the Orkneys. I am inclined to believe, though it has not been taken notice of by the historians of the times, that the associated army receiving the report of their commissioners, and hearing of this progress of the Scots, retreated southward, till they should receive some reinforcement; for we are told, that their army, by this time, was strengthened by several noblemen from Nottingham and Derbyshire, and that they all together entered into a new association, to stand or fall by one another. At last they marched as far as Northallerton, where they raised the famous standard. This was a mast of a small ship, on the top of which was placed a silver cross, or, according to others, a pix, and the machine itself went upon wheels, and all round it hung the banners of St. Peter, St. John of Beverly, and St. Wilfred. It is incredible how much the country people were inspired by the confidence they had in those pageants. The Scots army now advancing with long marches, passed the river Tees, and encamped on an open plain, called Cutonmoor, within two miles of the English. Early in the morning both parties drew up in order of battle. The Galloway-men, who were the progeny of the ancient Picts, and whose country contained, besides Galloway, the countries of Carric, Kyle, Cunningham, and Renfrew, are much taken notice of by the English historians on this occasion, and composed the first line of the Scotch army. The middle line was commanded by their king in person, with the Lothian-men, and the English and Norman stipendiaries in the party of the empress. The rest were a confused multitude, who came only for plunder, and were fit only for slaughter.

The greatest part of the English being determined either to conquer or to die, quitted their horses; and the first line, intermixed with archers, was drawn up before the standard, while the chief barons and officers, with the flower of the army, drew up round the standard itself in a firm body, the whole being covered, at some distance, by a party of cavalry. The Pictish arms, in those days, consisted only of a slight buckler, and a long lance; while the English were furnished with bows, arrows, and good swords. The Picts giving the onset with horrible outcries, were soon cut to pieces, or obliged to fall back upon their second line, where the king

commanded. The English pursuing very briskly, an almost total rout ensued; and the king of the Scots, with his son, were left to maintain their ground, attended only by their own guards. They made, however, a resistance worthy of themselves; and, notwithstanding the dastardly behaviour of their countrymen, maintained the field against the united efforts of the enemy. An extraordinary character is given, upon this occasion, of the prince royal of Scotland: "His humilitie, says a cotemporary English author, who was upon the spot, was such, that he seemed inferior to all about him; but his authority so great, that all revered him. The beauty of his person distinguished him much; but the acts of his valour more." His father, though advanced in years, performed every duty of an able general and a brave soldier. Finding it in vain any longer to resist the victorious English, he made such a disposition of his few remaining troops (1), that he retired in good order to Carlisle, where he remained for some days inconsolable, imagining he had left his brave son dead upon the field; but that prince, after doing all that man could do, was obliged to leave the field, and in two days he repaired to his father in Carlisle. Of the Scots, no less than ten thousand are said to have fallen; the loss of the English is not mentioned. But the ignorance, or something worse, of the Scotch historians is amazing: for notwithstanding the evidence of this battle, as being particularly wrote by so many authors, not only cotemporary, but present, is clearer than any transaction of that age; yet it has been, by them, entirely either stifled or denied, while they have given us an account of this whole war equally partial and absurd, and, as usual, without regard to dates, characters, or circumstances.

King Stephen, upon receiving the news of this victory, was so well pleased, that he created William de Albemarle earl of York-shire, and Robert de Ferraris earl of Dorsetshire, those two noblemen having chiefly signalized themselves in the late engagement. But the king of the Scots knowing the associated army could not keep long together, after resting for some days at Carlisle, renewed his invasions into England, and again laid siege to Wark, though in vain. There is reason, however, to believe, that Stephen was more than ever alarmed at this invasion, as David, taking warning by his former miscarriage, proceeded more cautiously than he had hitherto done, and there was no English army in the north to oppose him, that of the association being now dissipated. At last the king of the Scots took Wark, after an obstinate defence, and was applied to, by Albert bishop of Ostia, the pope's legate, for a peace; but all that this prelate could obtain, was a truce till the eleventh of November. In this interval, Matilda, the wife of Stephen, and niece to the king of the Scots, laboured so effectually, that the preliminaries of a peace were settled; though no definitive treaty was concluded till next year.

(1) He ordered them to throw away their badges, and mix with the English.

A. D. 1139. Matters in the north being thus made easy for Stephen, he had more leisure to attend the affairs of Normandy. There the friends of the empress, encouraged by the commotions in England, took up arms. The chief were, Reginald, natural son to the late king Henry; Baldwin de Redvers, of whom before; and Stephen de Mandeville. Roger le Viscount, who acted for Stephen, was soon after killed in an ambush; and the king found it necessary, in May, to send over the earl of Mellent and William de Ipres, with some forces, into Normandy. Those noblemen found themselves too weak to do any thing effectual for their master's service. The earl of Gloucester had by this time declared for the empress. Bayeux and Caen were taken by Geoffrey Plantagenet; and Stephen had now scarce any footing in Normandy, besides Roan; so general was the defection.

Treaty between David and Stephen.

The siege of Ludlow.

Stephen summons a great council at Oxford.

Stephen finds the inconvenience of his subjects building castles.

His bold measures.

Towards the close of the year 1138, or the beginning of the year 1139, the castle of Flede, belonging to the earl of Gloucester, was besieged and taken by Stephen. That prince then set out, at the head of his army, for Scotland; but was met on his way by commissioners from David, who ratified the preliminaries that had been entered into, and concluded a definitive treaty. Stephen then marched to the siege of Ludlow castle, to which Henry, the prince royal of Scotland, attended him as a hostage, according to our English historians; but I think without foundation. In his way he stopped at Worcester, where he was received with great joy by the inhabitants of all ranks; and he offered his ring at the high altar of that city, by way of a votive present. The siege of Ludlow went very unsuccessfully on; and Henry, the prince of Scotland, venturing too near the enemy's works, was almost drawn up into them, by an iron hook let down from the walls; but was bravely rescued by the king himself. Stephen therefore finding his efforts vain, thought it necessary to call together a great council of his nobility, both spiritual and temporal, at Oxford, to which he repaired. The affairs to be transacted there were various and important. The nation was at this time a scene of anarchy.

Stephen, towards the beginning of his reign, had granted liberty to all his subjects, who could afford it, to raise castles upon their estates, and to fortify them. This he had done with a view of encouraging landholders, and others who held by socage-tenure, on whom he chiefly depended. But the great barons, the bishops in particular, with all those who were secretly in the party of the empress, made use of this opportunity to multiply their castles to such a degree, that Stephen found they had in a manner garrisoned the kingdom against himself. As desperate evils require desperate remedies, this put Stephen upon many unpopular and impolitic measures. He found the scepter trembling in his hand; and, to grasp it the more firmly, he imprisoned, upon bare suspicion of favouring the empress, many noblemen of weight and interest. The security

which arose, from this step, to his government, was nothing in comparison to the envy it drew upon it. So glaring a violation of his oaths and promises gave a handle to his enemies, and his best friends were startled; the bishops in particular, especially as the delivery of their castles was made the ransom of the imprisoned. As one act of injustice commonly creates a necessity of supporting it by others, the king perceived this growing discontent, and, by one bold stroke, thought of crushing it. Roger bishop of Salisbury had two nephews, both bishops, Alexander of Lincoln, and Nigel of Ely. Those three prelates, who had been highly instrumental in raising Stephen to the crown, lived in a pomp surpassing that of secular nobility. The bishop of Salisbury, to the castles already upon his bishopric, had added two very strong ones, one at Sherborn, the other at the Devises, and had begun a third at Malmesbury. The bishop of Lincoln likewise had raised a strong castle at Newark.

The temporal nobility, the earls of Mellent and Brittany particularly, stomaching this grandeur of the prelates, took care to improve Stephen's jealousy, by telling him, that they held these castles for the empress, and that they certainly would declare for her as soon as she landed. Stephen had called together his council at Oxford, where he was sure of a majority, that he might, with a shew of law, dispossess the prelates of their strong-holds. A previous incident, either by chance or design, gave him a handle for this. The bishop of Salisbury received the summons to the council; but being no stranger to the king's intentions, undertook the journey, as William of Malmesbury heard him declare, with great reluctance.

Arriving at Oxford, where the king then was, attended by his natural son Roger the chancellor, and a numerous retinue of followers, a broil happened between them and the servants of Allen earl of Brittany, in which the earl's men were worsted. The king, upon this, ordered all the bishops and their chief dependants to be summoned before him, that they might make satisfaction for the breach of the peace within the verge of his own court, a knight having been killed. The bishops readily refused to make satisfaction according to law; but the king insisted upon their delivering up their castles, as security for their future behaviour. The prelates, who saw easily where this demand pointed, could not comply; and they were ordered, by the king, into safe custody. The bishop of Ely, however, escaped to the castle of the Devises, which he took possession of, and held for his uncle. The two other bishops were secured; and Roger the chancellor was sent away with William de Ipres, Stephen's general, fettered and haltered, to the army, which was advancing to besiege the Devises. The old bishop was carried along with them likewise; and no sooner did Stephen's army sit down before the place, than a gallows was erected in sight of the garrison, on which de Ipres threatened to hang the chancellor, if the place was not instantly

A. D. 1139.

Great pomp of the bishops of Salisbury, Lincoln, and Ely.

A party against them at court.

A broil happens between the followers of the earl of Brittany and the bishop of Salisbury. The bishops summoned to court.

Their offers.

They are committed to prison.

The castle of the Devises besieged.

A. D. 1139. instantly surrendered; swearing, at the same time, that, while it held out, the old bishop should not taste a morsel of food. Maud of Ramsbury at that time held the keep, which was the most important post of the castle; and, alarmed with the danger of her lover and son, she immediately sent to capitulate with the king, who, by this time, had arrived in person before the place. The capitulation was soon agreed upon, and the bishop of Ely having free liberty to depart, the castle was delivered up to Stephen. This was followed by the surrender of the bishop of Salisbury's other castles, those of Salisbury, Sherborn, and Malmesbury, to Stephen; and the bishop of Lincoln, at the same time, surrendered his castle, on condition of personal liberty. Our authors tell us, that Stephen, in the castles of Sherborn and the Devises, found an immense sum of money, which, soon after, did him great service in obtaining the friendship of Lewis king of France.

The castle surrendered to the king,

with those of Salisbury, Sherborn, and Malmesbury.

The clergy alarmed.

A synod convened at Winchester.

The king required by the legate to submit to the synod.

The king's defence.

It was no wonder if this proceeding alarmed the whole order of the clergy. The prelate who resented it most, was the king's own brother, now clothed with legantine authority. The palladium of the order was now attacked, which was the immunity of prelates from being tried in the king's courts. The bishop of Winchester, therefore, assembled a general synod at Winchester, on the twenty-ninth day of August, in the year 1139, and summoned the king to appear at the same in person. The synod meeting, the prelate exaggerated the king's offence, and demanded that he should be judged by the canons; concluding, that he would put the decrees of the council in execution, even at the hazard of his life.

Some noblemen immediately appeared for the king, and demanding the reason of his being summoned thither, was answered by the legate, by informing them of the reason, and exhorting the king, as he valued the esteem of their common friends, the pope, the king of France, and their elder brother the earl of Blois, to submit to the judgment of the synod. An answer was put in for the king, by Alberic de Vere, a man eminent in the knowledge of the laws. This person enlarged upon the insolence and offences of the bishop of Salisbury, upon the notorious suspicion he lay under to favour the enemies of the crown. He produced several instances of disaffection, which, he said, amounted to more than suspicion. His contempt of the great nobility was not forgotten; and he revived the famous distinction of the Conqueror, that he was seized as a peer of the court, and not as a prelate of the church. As to the money seized in his castles, that, he said, belonged of right to the king; since the prelate never could have amassed so great a sum, but by the frauds he had committed in the great posts he had held under the crown. He then concluded, with observing, that the castles had been voluntarily delivered up by the bishops, in exchange for their liberty; and that the charge against the bishop of Lincoln was purely civil, it being founded on an old quarrel subsisting between him

and the earl of Brittany, and the breach of peace thereupon ensued.

To all this it was answered by the legate, That the disseising of the bishops was not by legal process; and that, before they could be obliged to plead, they ought to be re-invested in the premises. The bishop of Salisbury then spoke with great haughtiness; and the meeting, upon a message from the king, was adjourned for that day. Next morning it was resumed, and a greater spirit appeared against the king than ever; even the archbishop of Roan, his greatest friend in it, speaking with diffidence in his favour.

Stephen, who well knew the fatal effects which an ecclesiastical anathema would have upon his affairs in their then situation, prepared to avoid it by one desperate, but well-timed, measure. He got together a select number of attendants, whom he ordered to attend near the place where the synod was met, with their swords in their hands. Alberic de Vere, at the same time, gave them to understand, that if any appeal should be made to the pope, the person who carried it should never re-enter the kingdom. This shew of resolution brought the prelates to themselves. They began to reflect on the consequences of putting a great king under a spiritual interdict, without the knowledge of the pope: they knew Stephen's determined spirit, and considered that their perseverance might exasperate him so, as that neither their functions nor their persons would be safe. The meeting therefore adjourned for that day, and at night the legate and some of the chief prelates had a private interview with Stephen. They fell at his feet; they implored him to have compassion upon the distracted state of his kingdom, and promised to forgive all that was past, if he would restore the bishops to their possessions. Stephen's answer was full of moderation and respect for the church: he did all he could to throw the odium, of what had passed, off from himself; and even gave them hopes, by promises, which he never meant to perform, of speedily returning all he had taken from the bishops. Things stood in this condition at the dissolution of the synod, which happened towards the latter-end of August, that same year, without effecting any of the purposes for which it was convened.

Stephen's desperate measure.

The prelates relent, and apply to Stephen.

Fatal effect which Stephen's differences with the bishops had upon his government.

The war breaks out again.

But this difference with the bishops had a fatal effect upon Stephen's government. It was owing to them that he was in possession of the crown of England; and the great barons, who were severally in the interest of the empress, were now either exasperated or encouraged into more open declarations. Stephen found it was too late to go back from what he had done. He marched into Somersetshire, with an intention to take the castle of Dunster from William de Mohun; but was obliged to leave the care of the siege to Henry de Tracy, a brave Norman, who not only took that place, but the castle of William Fitz-odo. These advantages were counter-balanced by the revolt of the governor of Corf castle, who delivered the place

A. D. 1139.
Corf castle be-
sieged by Ste-
phen.

place into the hands of Baldwin de Redvers, who had landed in England with a body of Normans. Stephen attempted to reduce this castle, one of the strongest in England, but in vain. The nation was now all in a flame; almost every quarter demanded the presence of the king, and to have fixed on any one, would have endangered the loss of the others. Withdrawing therefore, with his forces, from before Corf castle, he gave strict orders, that all the coasts and sea-ports should be narrowly watched, to prevent the landing of the earl of Gloucester, who was daily expected from Normandy. He then, according to a certain author, held a great council, in which he passed many popular acts, particularly in favour of the common people; upon whose friendship he chiefly at this time relied, particularly restoring them to the liberty of hunting and hawking. He likewise dismembered his own crown estate, to gratify many of the barons, and created several new earldoms and baronies out of his own domains. This probably enabled him afterwards to make the stand he did.

[Richard of
Devizes MS.
in Bib. Cott.
Dom. N^o 13.]
who passes
many popular
acts.

The empress
and the earl
of Gloucester
land in Eng-
land.

They are re-
ceived into
Arundel castle
by the queen
dowager.

Stephen
marches a-
gainst that
castle.

The gallant
behaviour of
Stephen.

But the empress and the earl of Gloucester, well knowing the general dissatisfaction which prevailed through the great barons, and that in those days prelates never could forgive, were so confident of success, that, towards the end of September 1139, they landed at Arundel castle in Sussex, with no greater retinue than one hundred and forty men. That castle then belonged to William de Albeni, who had married the queen dowager of England; and the empress was received by the queen with great demonstrations of affection. The reader is here to observe, that though the earl of Gloucester had, by his own act and deed, broke with the government of England, and was then to be considered as an attainted traitor; yet the empress had hitherto never made any public declaration of either her own or her son's demands upon the crown of England. Stephen, it is true, was, in prudence, to use the same precautions as if she had, as her pretensions and the grounds of them were no secret. He instantly marched, with his army, against the castle of Arundel. But the queen dowager, disconcerted by his expedition, and being in no condition to hold out a siege, sent him a message, with the most solemn assurances, that she was in no respect accessory to the landing of the empress, and that she only entertained her from a respect to her quality and ancient friendship. Matters, likewise, had been so well concerted in the castle, that the earl of Gloucester, who was the only person in the company who had been attainted, had some days before set out for Bristol, with no more attendants than twelve knights. Stephen, on this occasion, acted up to romantic gallantry: he accepted of the lady's apology; and, though he ventured his crown in doing it, he ordered that the empress should be safely conducted to any place of his dominions she should chuse, for her residence. Bristol was named on the part of the empress; and the king ordered his own brother, together with Walleran earl

of Mellent, to see her safely conducted thither, with an escorte suitable to her dignity. The earl waited on her as far as Calne in Wiltshire, and the bishop, till she was received by the earl of Gloucester, with some forces.

A. D. 1139.
The empress
is conducted
to Bristol by
his orders.

She declares
her title and
claims the
crown of Eng-
land.

She is recog-
nized by Milo,
high-constable
of England.

Being arrived at Bristol, she openly declared her title, and asserted her claim to the crown of England, requiring all the people to come in and pay her allegiance. This had a wonderful effect in her favour; but that which gave the greatest strength to her interest was, Miles, or Milo, high constable of England, defying the king, and declaring for her title. This nobleman was then in possession of the castle and town of Gloucester, one of the most important forts in the kingdom, as it commanded all the country round, even to the borders of Wales. He had likewise great interest with other noblemen, particularly Brian Fitz-count, who commanded in the castle of Wallingford, and declared likewise for the empress. Add to all this, he was possessed of immense riches, which he freely gave her for the support of her interest and family. In short, next to the earl of Gloucester, he was the head of her party. Matilda remained two months at Bristol, where she received the allegiance of all who came in; at the same time the interest of Milo encouraged many of those who held castles towards the borders of Wales, to declare in her favour; others being contented with observing a strict neutrality. Stephen, in the mean time, laid siege to Wallingford castle; but found it too strong to be taken in the short time he could spare from his other concerns, which equally demanded his presence: he therefore ordered two forts to be built, for blocking it up, and marched to Trowbridge; but, in his way thither, surprized the castles of Carne and Malmesbury, which had declared for the empress. But the siege of the castle of Trowbridge proved a matter of great difficulty; though he had carried it very vigorously on, yet he could not take the place; and the party of the empress daily gaining ground, he was afraid of being attacked by the earl of Gloucester, with superior forces. Reinforcing, therefore, the garrison of the Devizes, to curb the excursions of that of Trowbridge, he marched for London, on which his chief dependance lay, that he might recruit his forces, and revive his drooping party.

Great success
of the em-
press.

Stephen blocks
up Walling-
ford.

After various
attempts he
marches for
London.

The blockade
of Walling-
ford raised by
Milo.

While the king was employed in the siege of Trowbridge, Miles the constable took advantage of a dark night, and marched with a party of light-horse towards Wallingford, where he attacked, and put to the sword, or took prisoners, the soldiers who had been left in the towers, erected there by Stephen. He then returned to Gloucester. This important service gave a new turn to affairs: for the empress, soon after, left Bristol, and came to Gloucester, where she created the constable earl of Hereford. That nobleman next marched to Worcester, which continued in the king's interest. But the inhabitants in the castle made so brave a defence, that Miles was obliged to retire, after taking

A. D. 1140.
Barbarities
committed at
Worcester.

Progress and
marches of
Stephen.

and plundering part of the town, carrying off its inhabitants in chains, and doing other unmanly acts of revengeful spite, which soon after produced severe reprisals upon his own tenants and followers by the earl of Worcester. The king, in the mean time, was employed in recruiting his forces, and strengthening his party at London. From thence he marched to Oxford, and then to Gloucester, and kept his Christmas at Salisbury, viewing, with great grief and indignation, on all hands, the miseries of his country.

Having created William Fitz-beauchamp high constable of England, in the room of Milo, Stephen marched to Reading; from thence to the isle of Ely, which its bishop had fortified against him. Reducing it, after a faint opposition, he left in it a strong garrison, and then marched to Worcester; and from thence, his army increasing all the way, to Hereford. While he was preparing to reduce the country there, he received accounts, that the earl of Worcester, in revenge of the injuries done to his town by Milo, had made an attempt upon Tewksbury, which he then held for the empress: that, not succeeding in this attempt, he had plundered and laid in ashes a magnificent house, not far from the town, belonging to the earl of Gloucester, with many of those belonging to his adherents: that, having made a large booty from the laity, he had generously given liberty to all the people of the country, whom he had taken prisoners, and suffered them to return to their respective habitations.

A match concluded between Eustace, Stephen's son, and the sister of the king of France.

About this time a marriage treaty was concluded by Matilda, Stephen's queen, a lady of great prudence and virtue, between her son Eustace, the prince of England, and Constantia, sister to the king of France. The terms were, that the young prince should receive, by way of dowry with the lady, the investiture of the dukedom of Normandy; while Stephen was to pay to the king of France a large sum of money: and our historians inform us, that the treasures taken from the bishop of Salisbury were employed upon this occasion. We shall now return to the affairs of England.

Malmesbury.

The castle of
Devizes seized
by Fitz-
hubert,

who is hanged
by the earl of
Gloucester.

During those transactions, one Robert Fitz-hubert, a man of infamous life, without either principles or party, and eminent only for cruelty, surprized the strong castle of the Devizes. Without declaring either for the king or the empress, he held it for himself; and sending for forces out of Flanders, he publicly boasted, that he would soon command all the country between London and Winchester. But before his troops arrived, he himself was surprized by John, the governor of Marlborough castle, who was in the interest of the empress, and, by him, delivered up to the earl of Gloucester, who ordered him to be hanged up in sight of his garrison. But the soldiers within, not daunted by the death of their leader, immediately chose, in his room, one Harvey, a Breton, and obstinately held out the place, by the assistance of Stephen, for whom

he declared. At last, he was so straitened by the militia of the country, that he was obliged to capitulate, and deliver the castle to the empress, himself stipulating for liberty to retire beyond seas, which he did, but poorly attended. I find, at this time likewise, that the castle and earldom of Bedford was surprized, by earl Milo, for the empress. The earl of Gloucester, at this time, appears to have been with the empress at Gloucester, and to have formed a design of seizing the city of Bath. As this place was of great importance to Stephen, the earl was opposed in his march by a strong party of the royalists, upon which a bloody dispute ensued, in which Gilbert de Talbot was killed, and the earl, after losing the field, was obliged to abandon his enterprize. He had much better success, about a month after, in his attempt upon the town of Nottingham, which held out for Stephen. Understanding it was but meanly garrisoned, he surprized and took it. One of the townsmen, who had the reputation of being wealthy, being threatened with death if he would not discover his treasures to a party of the earl's men, who were rifling his house, carried them down to a dark cellar, where he said his money was hid; but while the soldiers were busy in digging for the supposed treasure, the townsman watching his opportunity, locked them all within the cellar, and then set fire to his house. Thirty of the plunderers there were consumed in the flames, which spreading to the adjacent buildings, laid the whole town in ashes.

The earl of
Gloucester at-
tempts to
seize Bath,
but fails in his
design.

He takes Not-
tingham,

which is burnt
down.

Through these incidents, the successes and miscarriages of both parties happened to be pretty equally balanced. The late attempts of the king upon the possessions of churchmen had greatly exasperated the bishop of Winchester, to whom the quality of pope's legate daily gave new accessions of power and interest; but his high quality, as brother to the king, and the first peer of England, made it his interest to take advantage of the then situation of affairs to take every opportunity of bringing about an accommodation as soon as possible. It was therefore, probably, owing to him, that some time this summer a treaty of accommodation was set on foot. The commissioners on the part of the king, were the queen, and the bishop of Winchester the pope's legate. But the reader is here to observe, that the quality of legate, at that time in England, did not imply any absolute dependance of the person bearing that office on the see of Rome. The popes had found it impracticable to force a legantine power, vested in a foreign clergyman or prelate, upon the people and government of England; they were therefore obliged to delegate that character to some person whose eminency in the church of England could best support it, and from that principle it fell at this time upon the bishop of Winchester. The commissioners on the part of the empress, were Theobald archbishop of Canterbury, and Robert bishop of Gloucester. The commissioners met. The empress was prudently advised to put the issue

An accommoda-
tion set on
foot.

State of the
legantine
power then in
England.

Commissioners
meet on both
sides;

A. D. 1140. of her claim upon the decision of the church; a popular, but insidious, proposal. She knew, that not only the bishops, but the Romish see, were exasperated, by the late proceedings of Stephen against the English prelates. The king, at the same time, was sensible, that his brother's interest with the prelates must be next to nothing, should he venture to go against them, in a case of such importance; and that, when his interest was gone, his support from the see of Rome was gone likewise. Stephen, therefore, finding that the decree of such a judicature as that of the church, could not at all terminate to his advantage, wisely declined the proposal; and therefore the conference broke up, without any effect.

but the treaty comes to nothing.

Misery of England at this time.

The war went on till September, with various success. Castles were taken, towns were plundered, houses were demolished, and churches were reduced to ashes. Both parties poured their mercenaries from Normandy, Flanders, and Bretagne, into unhappy England. These mercenaries, when their principals were unable to pay them, indemnified themselves by plundering the inhabitants. The historians of the times inform us, that their practice was, to dispose in sale, as common slaves, the wretched English who fell into their hands, and who were without means of bidding up to the ransoms which the avarice of their captors demanded. To the honour of the king be it spoken, that neither his principles nor practice countenanced those barbarities; and the earl of Gloucester was so averse to them, that, to prevent them, he not only expended his own estate, but often hazarded his credit with the empress. But the exigences of both parties were such, that they were obliged to depend upon foreign troops, rather than the latter upon them, the principals being unable to pay their mercenaries.

Stephen raises the value of money,

Stephen, about this time, was forced to have recourse to an expedient, which, at first sight, seemed to promise him relief; but was, in its own nature, both ineffectual and dangerous; and that was, the raising the value of money. The reader may remember the precautions which Henry I. took, to suppress the practice of coining and falsifying the current species of the kingdom⁽¹⁾. The commotions of Stephen's reign, and the rude state of the coinage at that time, had given such encouragement to coiners and falsifiers, that the abuse was now arrived to a greater height than ever; so that, of ten shillings, scarce one was current. Thus, by raising the intrinsic to an imaginary value, the difficulty of subsistence, by current coin, was greater than ever. But all those harsh measures were justified by the necessities of govern-

ment. The same reason was given for another practice, introduced by the king at this time. This was, the putting up to sale all offices, civil or ecclesiastical: but this fell chiefly upon the wealthy.

A. D. 1141. and sets his offices to sale.

The bishop of Winchester, all this time, continued openly to side with his brother, whom his behaviour, in the case of the bishops, had highly exasperated. At the same time, his appearance in the regal interest left him no credit with the empress and her party, though the great weight he had with the English clergy was of importance to all. But, as matters then stood, peace was absolutely necessary to him, for preserving his influence with either. All views of this being ended, by the inefficacy of the late negotiation, he now sought other mediators. Accordingly, towards the latter-end of September 1140, he went over to France, where he had an interview with his elder brother, the earl of Blois. This prince, who was in high reputation upon the continent for his wisdom and morals, engaged the king of France to interest himself in the negotiation. William of Malmesbury, who informs us of this particular, leaves us in the dark as to the plan upon which they proceeded: but, I am apt to believe, that the influence of the church was such, as rendered it dishonourable for the crown of England; for, upon the prelate's return, he communicated the preliminaries to his brother and the empress, and the latter, without hesitation, accepted, while the former rejected, them.

The bishop of Winchester goes to France to negotiate an accommodation,

which comes to nothing.

Stephen spent the latter-end of the year 1140 in Lincoln; but, towards the beginning of next year, left it. In the mean time, a treaty of marriage was carried on and concluded between the earl of Chester and the daughter of the earl of Gloucester. This marriage entirely fixed the earl of Chester in the interest of the empress. No sooner, therefore, had Stephen left Lincoln, than that earl, together with William de Romare, formed a design to surprize it, in which they succeeded. But the citizens of Lincoln, and indeed the bulk of the commonalty all over the kingdom, favoured the king. They sent and apprised him of the fate of the castle; but informed him, at the same time, that it was very practicable for them, by his assistance, to retake it. Stephen gave them the strongest assurances, that nothing should be wanting on his part, and actually began his march to favour them. But the townsmen were a little premature in their proceedings; relying upon the promises of the king, they seized seventeen soldiers belonging to the garrison, who happened to be then in their town. This gave the earl of Chester the alarm, and soon discovered the whole

The earl of Chester in the interest of the empress. Lincoln surprized for the empress.

Stephen resolves to recover it.

(1) Comes interea modeste agere se, nihil magis cavere, quam ne vel parvo detrimento suorum vinceret. Magnates Anglorum quos ad religionem jurisjurandi servandum flectere non posset, satis habebat in officio continere, ut qui nihil adjuvare vellent, minus nocerent. Volens secundum comicum, quod posset, dum non posset, quod vellet. Ubique tamen fieri comode posse videbat, et militis et ducis probe officium exequabatur; denique munitiones quæ potissimum partibus susceptis nocebant, strenue debellabat. Nec vero minor erat regi animus ad adeunda, quæ sibi competeabant munia, qui nullam occasionem prætermittebat, quo minus sæpe et adversarios propulset, et sua defenderet. Sed frustrabatur successibus, vergentia erat ut interdum ex decem, et eo amplius solidis vix duodecim denarii reciperentur; ferebatur ipse rex pondus denariorum, quod fuerat tempore regis Henrici, alleviari jussisse, quia exhausto predecessoris suo immenso illo thesauro tot militum expensis nequiret sufficere. Erant ergo Angliæ cuncta venalia et jam non clam, sed palam ecclesiæ et abbatiæ venum distrahebantur. Hist. Williel. Malm.

A. D. 1141.

The earl of Chester flies, and raises the Welsh.

He and the earl of Gloucester resolve to relieve the castle of Lincoln, or come to a decisive battle with Stephen.

Which is accepted by him.

Disposition of the army of the empress,

and of Stephen.

Description of the battle.

of the concert between the king and the townsmen.

The earl, therefore, finding himself in no condition to hold out a siege, left his countess in the castle, and escaped to his estate upon the borders of Wales. There he solicited aids from Murdock and Maradock Morgan, Welsh princes; and applied to his father-in-law the earl of Gloucester, remonstrating not only the danger the affairs of the empress were in, but that of his own daughter, if she should fall into the enemy's hands. His representations had such an effect, that it was determined, in the council of the empress, to come to a decisive battle with the king, who, by this time, had set down before the castle of Lincoln, and had been vigorously pushing the siege from the beginning of January to the first week in February, 1141.

Stephen received early intelligence of the enemy's intentions, and thought his best course was to raise the siege of the town, which he knew must fall into his hands if he defeated the forces of the empress, and to give the enemy battle. Accordingly he drew out his army, and put them in battle-array. It was indeed inferior to that of the empress, who depended chiefly upon the Welsh, a people despised by Stephen, who relied much upon the experience and conduct of his foreign officers, William de Ipres, a Fleming, in particular.

Both armies being in view of one another, that of the empress was divided into four bodies. The first was composed of Welsh, and headed by two of their princes or noblemen; the earl of Chester was at the head of the second, which was composed of his own tenants; the third body consisted of those whom Stephen had disseised of their estates, and out-lawed; while the fourth (which was composed of foreign mercenaries, and other English in the interest of the empress) was led by the earl of Gloucester himself. Stephen ranged his army into four lines likewise. The earl of Mellent was at the head of his horse; he himself, William de Ipres, and Allen duke of Brittany, commanded the other three. A decisive action being now expected, the respective generals encouraged their soldiers by all the arguments which they thought could prompt their courage, or confirm their loyalty. The Welsh, whom Henry of Huntingdon says, were better furnished with spirits than with arms, were flanked, and desperately attacked by William de Ipres, at the head of his division, who put them into disorder. But, at the same time, the line of the out-lawed fell, with equal force, upon the division commanded by the earl of Brittany, who, though supported by the earl of Mellent and his horse, was totally routed. In the mean time, the earl of Chester, observing the disorder of the Welsh, sent a body to their relief, which supported them so well, that the fortune of the day was entirely changed in favour of the empress. A total rout ensued of the Flemings and Stephen's horse, and de Ipres himself was forced to fly the

field, together with the brave Albemarle earl of Yorkshire, who had post in the same division. The fortune of the day now entirely depended upon Stephen's own line, which was yet unbroken, and animated by his example. He himself, armed by a battle-ax, led them on, and enacted wonders in his own person. His blows, according to our historians, fell so quick and weighty, that, singly, he was irresistible, and created admiration in his very enemies; but, at last, the enemy rallying from the pursuit, attacked him with united forces; his guards were either cut in pieces, or forced to abandon the defence of his person; while he, with amazing, but ineffectual efforts, endeavoured to restore the battle. His battle-ax being broken by the vigilance of the execution it had done, he had recourse to his sword. His friends, all but a very few, had now abandoned him; but he desperately ranged about, with his sword in his hand, seeking how to fall most gloriously for himself, and with greatest ruin to his enemies. At last, he was struck by a stone, sent from an unknown hand, which beat him to the ground. Upon this, William de Kains, a brave knight of the enemy's party, ran in, and catching hold of the king's helmet, lifted it up, and called out to his companions to come to his assistance: "For, said he, I have hold of the king." But Stephen, even in this desperate state, refused to surrender to any ignoble hand: he called out for the earl of Gloucester; the earl quickly appeared, and admiring the valour, while he was touched with the misfortune, of his enemy, he received the royal prisoner into his protection. The only persons, of the royal party, who appear to have been alive, near their master's person, at the time of his being made prisoner, were, Baldwin Fitz-gilbert, whom, our authors tell us, Stephen employed, before the battle, to encourage his troops by an harangue; Richard Fitz-urse; with William Martel, his sewer, and governor of Sherborn castle, which he was obliged to deliver up for his ransom. Some few of his guards, whom the enemy had cut off from his person, fought for some time, and refused quarter; but being surrounded by the earl of Chester, they were all cut in pieces.

The earl of Gloucester had too great a soul to treat Stephen with disrespect; he paid him all the honours due to a royal character, while he was in his custody. The castle of Lincoln was now effectually relieved, and the king was that night lodged in that town, which, according to the barbarous usage of the times, was delivered up to be plundered by the army of the empress. Maud was at the time of this battle in Gloucester. Thither the royal captives were conducted, and presented to the empress, who, in respect to her brother, at this time, forbore all female insult. From thence he was conveyed to Bristol, where we shall now leave him in duration.

This important advantage must have rendered Maud the sole and undisputed mistress of the English crown, had it not been for that

A. D. 1141.

Wonderful bravery of Stephen.

who is defeated,

and taken prisoner,

with some of his faithful followers.

The regard which the earl of Gloucester expressed for Stephen.

A. D. 1141.
Character of
the empress.

that impotence of mind, which prosperity alone discovers. She was a very wayward woman; tyrannical in her dispositions, and peevish in her temper; insolent with success, but, it must be owned, of great address under misfortunes. She aimed to be absolute, only that she might be arbitrary; and sought to govern, not prompted by greatness of soul, but lust of power. Her fortunes not being yet established, she had wisdom enough still to lend an ear to the prudent advice of the earl of Gloucester. The clergy, with the bishop of Winchester at their head, had, for some time past, continued pretty indifferent with regard to both parties; but their friendship became now absolutely necessary to the empress. The earl of Gloucester advised her to spare no means, on her side, for bringing over the legate to her party; but that prelate had a dangerous and difficult part to act. Things had gone farther against Stephen than he ever intended they should. He had meant that his brother should be a nominal king under the church, not that he should be no king at all. He found now the scepter in a manner departed out of his family, and began too late to reflect, how foolishly instrumental he had been in bringing about that event; and how precarious his situation must be, under any new government, compared to what it was while his brother was at the head of the state, and he of the church. But he was afraid, at the same time, that if he did not comply with the new government, Matilda might make such a party at the court of Rome, as to enable her to carry her point without him. In this doubtful state of his mind, he received from the empress a proposal, which firmly determined him in her favour: for she offered, that, provided the legate would acknowledge her as his mistress, and swear a perpetual fealty to her, she would resign into his hands the management of all matters of concern in England, both as to church and state; and that he should have the absolute direction in filling up all vacant bishoprics and abbeys; offering, at the same time, to confirm this by oath.

The empress
gets the bi-
shop of Win-
chester on her
side.

An interview.

An open plain at Winchester was appointed for an interview, on the third Sunday in Lent, 1141, where the empress swore to what she had promised. Her oath was confirmed by those of the earl of Gloucester, Bryan Fitz-count, (whom Malmesbury calls the marquis of Wallingford) and Milo earl of Hereford. The legate then acknowledged the empress to be the sovereign lady of England; and he, with all his clergy, swore to her a conditional fealty, that they would obey her as long as she should keep her paction with them. Next day she was conducted to the church of Winchester in solemn procession, the legate leading her by the right, and the bishop of St. David's by the left-hand, attended by a great train of nobility, both spiritual and temporal. He, the legate, cursed those who cursed her, and blessed those who blessed her; those who were obedient to her commands he

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absolved, and such as were not he excommunicated. There is something very mysterious in all those proceedings, very cautious on the part of the clergy, and generous on that of the lay nobility. The title of queen, excepting when applied to a consort or a dowager, was then unknown to the English constitution; that of sovereign lady was therefore of great import, and more agreeable to the august title which Maud already possessed. But the clergy seem to have been greatly embarrassed in their proceedings. Stephen had actually been crowned, and to him they had sworn without reserve; their difficulty therefore appears to have arisen from the absurdity of a double coronation, in vesting different persons with powers, which could only subsist in one. Thus, by an uncommon reverse, Stephen, who was no king de jure, was considered as such; and Maud, who was sovereign de jure, was acknowledged only as such de facto. One observation occurs from this, that the inversions of succession under the Norman line had, by this time, brought in a new system of government into England; and that, obedience was considered rather as founded upon homage, than descent. Had the clergy and people of England at that time thought that blood gave clear and indefeasible right, they could have been under no manner of difficulties in recognizing that of Maud, who was now queen de facto, as well as de jure, in the same manner as they had done that of Stephen. But the reader who goes to the fountains of our old historians, after divesting himself of their prejudices, and the jargon of modern writers, will see an eminent difference in the recognition of both rights; and that if any thing was then accounted indefeasible, it was that right which was founded on the election and homage of the people.

A. D. 1141.

Difficulties of
the clergy in
recognizing
the title of
the empress.

Reflections
upon Maud's
title.

From Winchester Maud went to the monastery of Wilton, where we have a remarkable confirmation of what I have just now observed. Theobald archbishop of Canterbury had found himself under such difficulties, with regard to his recognizing the empress's right, in point both of prudence and conscience, that he had not been present at the conference upon the plain. The prelate and the party of the empress were not a little uneasy at the absence of so great a subject, and the legate required him to repair to a personal conference at Wilton, when endeavours should be used to remove all his scruples. The archbishop obeyed; and so little acquainted was he with the indefeasible right of blood, that, without any manner of difficulty, he acquainted the empress and the legate, that he did not think it consistent either with his reputation or dignity, to pay any allegiance incompatible with that he had already sworn to his king, unless he obtained the consent of him to whom he had sworn it. He therefore demanded leave to have a personal interview with Stephen, by whom alone he was to be determined as to his new allegiance. This demand, which, to the modern favourers of divine right in blood,

The archbi-
shop of Can-
terbury refuses
to recognize
the title of
the empress
without con-
sulting Ste-
phen;

A. D. 1141.

A. D. 1141.

whom he finds
in irons.His great dis-
tresses.He dispenses
with the arch-
bishop's fealty.Remarks on
the relation of
an anonymous
author.The earl of
Richmond
seized,and delivers
up his castles.Progress of the
interest of the
empress.

would seem absurd, appeared, to all the assembly then, both right and reasonable. Leave was given to the archbishop, attended by most of the clergy and many of the laity, to repair to king Stephen. That prince, at his first coming to Bristol, was treated with some regard to his dignity; the earl of Gloucester, who commanded the castle, suffered him the liberty of walking abroad: but the earl was severely inveighed against for this lenity, by some creatures, who wrought on the spleen and ill-nature of the empress; and, under pretence of eloping from the bounds of his prison, he was ingloriously fettered with shackles of iron. Such was the fallen condition in which this prelate and the nobility found him. It is no wonder if misery like this had depressed the greatness of his spirit. He could consider his treatment only as a prelude to his death, which must be quick, should he exasperate his enemies by any farther acts of opposition; he therefore found himself under a necessity of dispensing with the allegiance that had been sworn to him. He told them, he gave them free liberty to comply with the necessity of the times. Upon which the archbishop and his retinue retired, interpreting this act of force as a concession of grace, and accordingly agreed with the sentiments of the legate. A meeting was then appointed to be held after Easter; and in the mean time, according to an anonymous writer, the castle of Winchester and the crown were delivered up to her by the legate, and she was, in the market-place of that city, proclaimed queen and lady. But we ought to be cautious how we admit this fact, considering the silence of Malmesbury, and other authors, who were on the spot. Besides, though we should admit it, it can no way affect the great question of her right. No regular assembly, or council of the states, had yet been held, which had power to transact any act of government; and whatever had been hitherto done, was only in a private, and not in a legislative, capacity. This proclamation therefore, I say, can only be looked upon as the effect of overflowing zeal in the legate, whose warm spirit ever acted in extremes, and carried along with it no degree of authority to influence the nation.

During these transactions, there was a great falling off from the royal party, and the distressed Stephen had nothing to trust to but the disobliging imprudence and haughtiness of the empress. Allen earl of Richmond, who had hitherto been of the royal party, had been surprized by the earl of Chester, and kept in prison till he should come into his terms. The earl of Richmond, weary of confinement, yielded up to the hands of the earl of Chester his castle of Galclint, with other castles on his estate, and was now forced to do homage to the empress. Robert Doyley, governor of Oxford castle and city, together with the earl of Warwick, followed the same course. The castle of Nottingham was delivered up to the empress by William Peverel, and the government of it committed to William Paniel. In short,

almost all the considerable persons in the royal party, either by force or inclination, now fell in with the empress. Hitherto she had been kept within some bounds of moderation, by the authority of her uncle, the king of the Scots, and the counsel of the earl of Gloucester, who kept always about her person; but her late flow of success bore down all those restraints upon her feminine insolence, and, as shall be soon seen, gave her enemies advantages they never could have expected from their arms or councils.

Notwithstanding the reconciliation of the archbishop of Canterbury, and some of the heads of the clergy, to the party of the empress, there is great reason for believing, that great part of the clergy were yet dissatisfied as to her title. The legate, who knew that their importance and his own, if they did not act in a body, would be greatly diminished, omitted no means of bringing them all to be of his own way of thinking, in the general synod of all the bishops and abbots in England, which was to be held at Winchester on the 9th of April. The meeting was very full, and they who were absent sent their excuses in writing. It were to be wished a veil could be drawn over this transaction, wherein churchmen, assembled by legantine power from the pope, presumed to dispose of the crown of England; but I am confined to facts, and the fact is so. The lay nobility and commons were so miserably divided at this time, that they were of little importance; every man's hand was against his neighbour, and none thought his property secure, when he did not defend it in person. Their insignificance, therefore, was owing to disunion and mutual jealousies; while the clergy, however some of them might be troubled with conscientious scruples, became of decisive importance, through their being politically connected by one principle of union, which was, the legantine authority.

The night before the assembly met, the legate separately applied to the several members who were likely to make the greatest opposition, and had the address to persuade them to avail themselves of the juncture. He then finding them all unanimous, the session was opened by a speech from the legate himself, as we have it in William of Malmesbury, who was present, and which was to the following import: "That having the honour to represent the pope, he had convened the English clergy, to consult of some measures for the benefit of the public. From thence he proceeds to mention the happiness of his uncle, king Henry's reign. That this prince, some few years before his death, obliged all the bishops and barons of England and Normandy to swear to the empress's succession, provided he should de cease without issue male. That this happened to be the case, when this prince died in Normandy. That the empress being out of England at her father's death, his brother Stephen was permitted to reign, to prevent disturbances in the kingdom: that

" himself

State of the
clergy at this
time.A general
meeting of
them.The speech of
the legate to
the synod.
Malmesbury,
Collier.

A. D. 1141. " himself (the legate) undertook for his
 " good government; that he would treat
 " the holy church with regard, support the
 " serviceable part of the constitution, and
 " repeal such laws as were oppressive. But
 " alas! he found himself extremely disap-
 " pointed in his brother; that he was almost
 " ashamed to report his administration, and
 " how he connived at the licence of all
 " men, inasmuch, that, in a year's time, the
 " advantages of government were quite lost,
 " and peace in a manner banished from all
 " parts in the kingdom. The bishops were
 " imprisoned against law, and forced to
 " part with their estates. Abbeys were set
 " to sale, and churches plundered of the
 " holy treasure. That good men were quite
 " out of fashion at court, and every thing
 " over-ruled by evil counsellors. He pro-
 " ceeded to put them in mind how often
 " he had remonstrated against these miscar-
 " riages, but without effect. That not-
 " withstanding he was to preserve an affec-
 " tion for his brother, yet no regards of
 " blood and relation ought to be preferred
 " to God Almighty's service. That now
 " providence had, as it were, given sen-
 " tence against his brother, by suffering
 " him to be defeated, and lose his liberty.
 " Things standing thus, he thought it pro-
 " per to convene them, to prevent the con-
 " fusions of anarchy. He told them, that
 " yesterday he had treated privately with
 " the majority of the clergy, who, by the
 " constitution, had a principal share in the
 " direction of this matter; and therefore,
 " having addressed God for his blessing, he
 " declared the empress, daughter of the il-
 " lustrious king Henry, sovereign lady; en-
 " gaged the allegiance of the convention to
 " her; and promised to stand by her with
 " life and fortune (1)."

Reflections
 upon the
 speech.

This speech is a strong confirmation of what I have already observed, of the empress having delayed to put in her claim to the crown of England, so long after her father's death, that the English considered their throne as vacant, and themselves as obliged, by the principles of self-preservation, to fill it as they did. The assembly received it differently; some, says my author, approving it by applause, and others letting it pass without any; but none putting in a negative. The legate then acquainted the sy-

nod, that he had taken care to summon the city of London, whose influence upon the public affairs was equal to that of the greatest noblemen, to send its deputies to the synod; that he had furnished them with passports for that purpose; that he expected them next day, and that it was proper all business should stop till they arrived.

In effect, all public spirit, at that time, seems to have centered in the city of London, which was the only check that could bridle the presumption of this assembly. Stephen had endeared himself to the citizens by the gallant openness of his conduct, by his royal qualities, and the virtues of his queen Matilda. The chief noblemen of the kingdom had there their residence; and the few who had the courage to profess themselves to be in Stephen's interest, not only found there a safe refuge, but were chosen into their common council. A deputation from that city, therefore, as the legate expected, appeared next day in the synod. They informed the members, that they did not come there to embarrass their counsels, or to dispute their wills; but to petition them, in the name of the community of London, and of all those noblemen who were enrolled in it, that their king should be delivered out of prison. The legate, who appears to have been prepared for this demand, answered, with pontifical arrogance, " That it did not become the citizens of London, whose representatives might be looked on as nobles in a land, to take part with those that had forsaken their lord in battle; with those by whose advice he had dishonoured the holy church, and who sided with the citizens only to gull them of their money." The air of resolution, however, with which the Londoners delivered their commission, seems to have struck the assembly; for a chaplain, one Christian by name, belonging to Stephen's queen, immediately rose up, and tendered a paper to the legate. The latter received it, and read it over to himself. He then informed the assembly, that it was of such a nature, as to be unfit to be communicated to so august a meeting. But the chaplain, who seems to have been a man of spirit and resolution, immediately read the letter himself; and it appeared to be a letter from queen Matilda, by which she earnestly requested

A. D. 1141.

Loyalty of
 the Londoners
 to Stephen.

A deputation
 from them
 appears in the
 synod.

A petition pre-
 sented for Ste-
 phen from his
 queen.

(1) The original speech, as we find it in Malmesbury, is as follows: Dignitate papæ se vices ejus in Anglia tenere. Ideoque per ejus auctoritatem clerum Angliæ ad hoc consilium congregatum ut de pace patriæ, quæ grandi periculo naufragabatur consuleretur in medium. Tempore regis Henrici avunculi sui singulare domicilium pacis in Anglia fuisse, ita ut per vivacitatem, animositatem, industriam ejusdem præcellentissimi viri non solum indigenæ cujusque potentia vel dignitatis essent, nihil turbare auderent, sed etiam ejus exemplo finitimi quicunque reges, et principes in otium et ipsi concederent, et subiectos vel invitarent vel impellerent. Qui videlicet rex nonnullis ante obitum annis filia suæ quondam imperatrici (quæ sola sibi proles ex desponsata quondam conjuge supererat) omne regnum Angliæ simul et ducatum Normanniæ, jurari ab omnibus episcopis, simulque baronibus fecerit, si successore masculino ex illa, quam ex Lotharingia duxerat, uxore careret. Et invidit (inquit) atrox fortuna præcellentissimo avunculo meo, ut sine masculino hærede in Normannia decederet. Itaque quia longum videbatur dominam expectare, quæ moras ad veniendum in Angliam necessebat (in Normannia quippe resedebat) provisum est paci patriæ, et regnare permissus est frater meus. Enimvero quamvis eo vadem me opposuerim inter Deum et eum, quod sanctam ecclesiam honoraret, et exaltaret, et bonas leges manu teneret, malas vero abrogaret, piget meminisse, pudet narrare, qualem se in regno exhibuerit; quomodo in præsumptores nulla justitia exercitata, quomodo pax omnis. Statim ipso pene anno abolita; episcopi capti, et ad redditionem possessionum suarum coacti; abbatibus venditis, ecclesiæ thesauris depilatis, consilia pravorum audita, bonorum vel suspensa, vel omnino contempta. Scitis quoties cum tum per me, tum per episcopos convenerim, concilio præsertim anno præterito ad hoc indito, et nisi odium nihil acquisierim. Nec illud quinquam, qui recte pensare velit, latet, debere me fratrem meum mortalem diligere, sed causam patris immortalis multo pluris facere. Itaque quia Deus judicium suum de fratre meo exercuit, ut eum, me nesciente, in potestatem potentium incidere permitteret, ne regnum vacillet, si regnante careat, omnes vos pro jure legationis meæ huc convenire invitavi. Ventilata est histerno die causa secreto, coram majori parte cleri Angliæ, ad cujus jus potissimum spectat principem eligere, simulque ordinare. Invocata itaque primo, ut par est, in auxilium divinitate, filiam pacifici regis, gloriosi regis, divitis regis, boni regis, et nostro tempore incomparabilis in Anglia, Normanniæque dominam eligimus, et ei fidem et manu tenementum promittimus.

A. D. 1141. the clergy there assembled in general, and the bishop of Winchester (the brother of her lord and husband the king) in particular, that they would restore to his kingdom her said lord, who was then held in prison by his wicked subjects. The legate gave, in substance, the same answer to this letter, that he had given before to the request of the Londoners; upon which, the deputies told the assembly, That they would report to their principals the success of their deputation, and endeavour to merit the favour of the assembly: they then took their leave of the meeting.

The king's party excommunicated.

The affairs of the synod now went on without interruption, and excommunications were thundered out by the legate against all the king's party, and, in particular, against William Martell, who had been his sewer; against whom the legate, upon personal accounts, had a particular animosity, he having been very active in harassing his tenants.

Oxford delivered to the empress.

To reconcile the city of London to the party of the empress, was now the great consideration with her party. Her amazing success, and the great reputation which the king of the Scots and the earl of Gloucester had acquired, proved too strong for all the king's party within that city. For, leaving Winchester, she went to Reading, where she had a splendid court; and, among others who paid her their compliments on this occasion, was Robert Doyley, who resigned into her hands his government of the castle of Oxford. From Reading she went to that city, where she received the homage of the adjacent country. From thence she went to St. Alban's, her train still increasing on the road.

Small interest of Stephen in England.

In the mean time, all the interest of Stephen, throughout England, was reduced to the city of London, some part of Kent, and the county of Surrey; the empress being in possession of all the chief towns and cities round, and at the head of a great army; and the principal nobility, the Londoners, now thought of making the best terms they could. Accordingly a deputation from the citizens waited upon her at St. Alban's, towards the beginning of June; and the negotiation advanced so far, that she set out towards Westminster, with a pompous retinue of nobility and clergy. Being arrived there, she was received with great marks of respect by the citizens of London.

The queen labours for her husband's liberty;

The excellent queen of Stephen began now to consider the affairs of her husband as in a desperate situation, and presented repeated proposals to the lady of the English, to restore him, not to sovereignty, but to liberty. In this the queen was backed by some of the greatest men in England, who offered to engage that they would persuade Stephen to quit all pretensions to the crown, and retire to a monastic life. I am apt to believe, that those propositions were made by the queen and her party, meerly because they knew the wayward temper of the empress so well, as to be assured she would reject them; a proceeding, which could not fail of drawing upon her a vast deal of unpopularity. It

fell out accordingly; for, though the proposals were debated in the councils of the empress, and approved of by the king of the Scots and the earl of Gloucester, yet the empress foolishly refused all terms. The Londoners, at the same time, treated her with respect; but earnestly petitioned her, that she would suffer them to live under the laws of king Edward. This she madly refused to consent to. They then invited her into the city, where she found a magnificent reception; and the citizens took that opportunity of laying before her their great losses during the late wars, and their hopes that she would ease them of some part of their burdens and taxes. This she refused with impolitic harshness, and haughtily told them, with peevishness in her looks, "That it was little less than impudence in them to expect any relief from her, since they had found means to support the late king, and had taken every opportunity of assisting her enemies." It was in vain for the king of the Scots and the earl of Gloucester to remonstrate on this occasion; she had drank too much of the intoxicating cup of power, to be longer capable of following advice; her brain was turned; and nothing but principle could have rivetted those two great men, so unalterably as they were, to her interest.

A. D. 1141. but in vain.

Obstinacy of the empress disoblige the Londoners.

The wife of Stephen (a character which does her more honour than that of queen) was too wise not to see in what this obstinacy of the empress must finally terminate. She had done all that submission could do, but without effect. In proportion, as the public blamed the obstinacy of Matilda, they pitied the unavailing resignation of the queen. Pity begat affection; and it was now easy to foresee, that the hearts of the English must be soon alienated to their haughty lady. Matilda profited by those dispositions; she changed her manner of proceeding; she raised some troops in Kent and Surrey, and sent them over the Thames, where they not only insulted the empress and her party, but destroyed great part of the country round London, on which that city depended for subsistence. The progress of those ravages was a visible proof of the aversion, both of the English in general and the Londoners, to the person and party of the empress; and this was followed by express declarations of their intention to enter into an association, with the queen at their head, not only to restore the king to his liberty, but to seize the person of the empress. These proceedings were far from being unknown to the earl of Gloucester, who did all he could to fix the citizens in his sister's interest, but in vain: all he was able to do was, to prevent the conspiracy against her person taking place. This he did; and before the Londoners could effect their design, the empress, the king of the Scots, the legate, and all the nobility of that party, retired from London towards Oxford. She was no sooner gone, than the enraged Londoners fell upon her palace, which in haste she had abandoned, with all its rich furniture.

Affairs begin to turn in favour of Stephen.

The empress driven from London.

But

A. D. 1141.
She disoblige
the legate.

The occasion
of their dif-
ference.

But the frantic conduct of the empress was not seen in her behaviour to the Londoners alone. The legate, who, as I before hinted, did not originally intend to unking his brother, became now concerned for the interests of his nephew Eustace, the son of Stephen, who had always behaved both inoffensively and respectfully to him. It is more than probable, that the intrigues of the French court with the pope, together with his own natural inconstancy, disposed him the more cordially in favour of the young prince. The queen, his sister, was heiress of the earldom of Bulloign, which Matilda and her husband had seized, together with the earldom of Mortaigne. As the young prince had mostly resided in France, without troubling himself about the affairs of England, the legate thought he could, with the better face, solicit the empress to put his nephew in possession of those two estates: but even this request she madly refused to grant. This disoblige the proud prelate so much, that, during the residence of the empress at London, his discontent was visible. Though several times summoned, he as often declined, coming to court; and even entered into a secret correspondence with his sister-in-law, and found means to have some private interviews with her at Guilford. It is probable, that this commerce was not so secret as not to come to the knowledge of the empress; for we find, that matters soon came to an open rupture between them, though not so far as hostilities.

The empress
goes to Ox-
ford.

Milo, the earl of Hereford, continued all this time to reside upon his government of Gloucester, where he was highly serviceable to the empress, in preserving the peace of all that country on the borders of Wales. She being disgusted with the freedoms taken by the king of the Scots, and her brother the earl of Gloucester, in advising her to her interest, contrary to her arbitrary inclination, resolved to have recourse to the advice of the earl of Hereford. Accordingly, on her leaving London, she hastily passed through Oxford, and went to Gloucester; and returned, attended by Milo, to Oxford, where she appointed a general rendezvous of all her troops and party.

She marches
to Winchester.

While she lay there, the earl of Gloucester went, with a few troops, to Winchester, where the legate then was, with a view of composing matters between him and the empress; but his endeavours proved fruitless, so that he was obliged to return to his sister at Oxford. Being arrived there, he found his sister preparing to set out at the head of her army, to reduce the legate to reason by force. She was there attended by her uncle, and the earl of Hereford; and was in daily expectation of the earl of Chester, who had promised to march to her assistance, but had privately made his peace with the queen and the legate. Several other barons likewise served in her army. Being arrived at Winchester, she was afraid to trust herself in the city, and therefore marched directly to the castle, from whence she sent orders to the bishop, who was then at his palace, to

repair to her. But the prelate, being in no condition at that time to resist her, evasively answered, "I will prepare me." The messengers, thinking he meant only to make himself ready to go along with them, gave him then an opportunity of slipping out at a postern gate, and making his escape. He now openly declared in favour of the deposed king, and sending for all his party, he soon found himself at the head of a great body of Londoners and young peers, who, disdaining the government of the empress, were prepared to risque every thing for the freedom of their king. The legate now absolved all those of the king's party he had before excommunicated, and excommunicated all the adherents of the empress; at the same time he declared, that the empress had broke her faith, both with him and the barons of England, in not performing what she had promised and sworn to.

A. D. 1141.
The legate
escapes.

The relations which have been left us by our historians, of what passed while the empress remained at Winchester, are extremely confused, and full of absurdities; nor to be reconciled any other way, than by supposing, that there was, within the city of Winchester, two castles; the one belonging to the queen, and the other to the prelate, called the Bishop's-tower. That which was pos-

[See Camd.]

sessed by the empress, seems to have stood at the south-side of the west-gate; while the bishop's tower stood on the east-side of the cathedral, was almost surrounded by the river, and reached to the city walls. The first step which the empress took, after the legate's retreat, was, to besiege this tower, which was garrisoned by the bishop's followers. This she did with great vigour, and met with as obstinate a resistance. Having obliged the citizens to assist her in carrying on the siege, the bishop's men were so exasperated against the city, that they threw fire from the tower, which catching hold of the houses, communicated itself to a nunnery within the city, then to the abbey of Hyde, laying them both in ashes, together with most of the town, and about twenty churches. The bishop, by this time, had got together a great army, having been joined by the earl of Chester, who now openly declared in favour of the king. With those he advanced to retake Winchester and the castle, and pressed the siege so vigorously, that the empress was reduced to great extremities. But, as nothing but famine could bring them to surrender, her generals thought how they could best secure a communication with the adjacent country. For this purpose, they sent out a detachment to seize upon, and fortify, the monastery of Werwell, which lay about six miles from the city. But William de Ipres, Stephen's general, and one who had continued ever attached to his fortune, advancing at the head of a body of troops, drove them from the monastery into the church, where, refusing to surrender, that general reduced both them and the church to ashes. This action made the bishop and his army absolute masters of the adjacent country. But the besieged, within the town,

and besieges
the bishop's
tower there.

Progress of
the siege.

A. D. 1141. were so numerous, that they daily sent out large detachments for bringing in provisions. This produced frequent skirmishes between the two parties, but generally to the disadvantage of the empress. The bishop, however, was unable to take the town, and turned the siege into a kind of blockade. Provisions now began to be very scarce, both within the castle and city; and the generals of the empress, fearing the consequence, began to think of making the best retreat they could. The disposition was made by the earl of Gloucester, whose chief care was for the person of his sister. Accordingly, he drew up her forces, and sent off the empress with the main body, under the command of earl Reginald his brother; while he himself, at the head only of two hundred chosen followers, engaged to make good their retreat, and to gain her time enough, from all pursuit, to reach some place of safety. It was not long before the king's army, perceiving this retreat, attacked the rear, where the brave earl commanded, attended by the king of the Scots, who seems to have acted no otherway than as a volunteer, and chose this as the post of honour, because that of danger. It was owing to the courage and example of those two gallant men, that their followers made, for some time, a vigorous resistance, till they reasonably supposed that the queen had time to reach the castle of Lutgershal in Wiltshire; each then, with becoming prudence, shifted for himself. The king of the Scots escaped by the fidelity of David Oliphant; but the earl of Gloucester was pursued as far as Stowbridge, where he was taken, together with the earl of Warren, upon a bridge, which they were endeavouring to pass. Geoffrey Boterel, brother to the earl of Richmond, is likewise mentioned with great honour upon this occasion. As to the empress, she indeed had reached the castle of Lutgershal, but found it unprovided for making any resistance. Being afraid, therefore, of falling into the enemy's hands, she was obliged to get on horseback, in the disguise of a man, and to fly to the castle of the Devises. Her flight coming to the ears of the bishop, she was pursued thither by a body of horse, who scoured the country round, to prevent her escape, till the main body should come up. She, to avoid captivity, was obliged to suffer herself to be thrust into a bier, as a dead body, and to be conveyed between two horses to Gloucester. By this means she eluded the vigilance of her enemies. She was attended, at a distance, by Milo, her trusty constable, who reached Gloucester all in rags, and almost naked. Thus did the obstinacy of this woman ruin both herself and her faithful friends.

The earl of Gloucester being carried back to Winchester, was presented to the queen, who, from the double principle of generosity and gratitude, treated him with all the respect due to his rank and merit. At the same time, no allurements were wanting, on her side, which could tempt his ambition; but the earl continuing inflexible to the cause

he had embraced, was at last sent prisoner to the castle of Rochester. William of Malmesbury says, that, to his immortal honour, he retained the same serenity of mind and countenance as he enjoyed in the most desirable events. It was now about the beginning of September, and the pious queen began to treat about the release of her husband, for whom the earl of Gloucester was thought an adequate ransom. This was willingly agreed to by the court of the empress; but some difficulties were started on the part of the earl. He was apprehensive, that if, on account of superior quality, Stephen was first set free, he himself would be faithlessly detained. To remove this objection, the legate and the archbishop of Canterbury engaged to surrender themselves prisoners into the hands of the empress, in case the release of the earl was delayed after a certain day. This satisfied the earl, and accordingly he was brought, under a guard, to Winchester, to which city the king came in full freedom. As Stephen had about him nothing of that jealousy so common to those who dispute for empire, he held a familiar and friendly discourse with the earl, who was instantly set at liberty. Upon this they took leave of each other, each with a high admiration of the other's qualities; but with open protestations on both sides, of each continuing his utmost endeavours to distress the other's interest by his sword. This exchange happened about the end of September.

Either the treaty, which had been some time on foot, or the inclemency of the season, seems to have prevented hostilities from going on since the taking of Winchester. About the 7th of December, the legate summoned together a general synod of the clergy to meet at Westminster. The precautions he had taken, gave him grounds to hope, that this assembly in the neighbourhood of London would give an irrecoverable blow to the party of the empress. The peevish temper she had ever discovered, and her arbitrary conduct, had by this time rendered her odious to the English. The bishops had now forgot the treatment some of them had received from Stephen, and dreaded a worse enemy in Maud. Some of them, indeed, still continued faithful to the empress; but they were inconsiderable both for their numbers and interest. But the legate had taken care to procure letters from the pope, highly in favour of his brother; and his holiness even chid him for not being more strenuous in the royal interest. The letters being read, Stephen came into the council, and entered a complaint against the rebels, who being his own subjects, had taken up arms against him, and treated him with so much contumely; protesting, at the same time, that he never had denied justice to his people. The legate laid hold of this opportunity of entering into a laboured but awkward defence of his own conduct. The sum of it was, "That he had joined the empress through necessity, and abandoned her through conscience, upon breach of

where the king appears.

He is exchanged for Stephen.

The legate summons a synod at Westminster.

The empress retires,

and the earl of Gloucester is taken prisoner.

The great behaviour of the earl of Gloucester during his confinement.

A. D. 1142.

A. D. 1142.

A lay deputy
from the em-
press enters a
protest in her
favour.

"her repeated oaths and promises, and her treacherous attempts against his own life. He concluded with an exhortation to all present, that they would do their utmost in supporting their king, who had been anointed by the suffrage of the people, and the authority of the apostolical see; and with declaring, that he would communicate the countess of Anjou and all her adherents." Though the falsity and absurdity of this discourse was evident to all present, yet none of the clergy contradicted it. Notwithstanding this, a lay deputy from the empress had the spirit to stand up, and to enter a protest against the legate's doing any thing in that assembly contrary to the oath of fealty he had already taken to the empress. "He then charged him with swearing to her, that he never should send to his brother's assistance above twenty soldiers; that it was upon the legate's invitation, by repeated letters, that she had come into England; and that it was by his connivance principally that she had taken the king prisoner, and detained him so long a captive." Guilt tied up the legate's tongue from any reply; nor could all the bitter expressions of the deputy work him into the least passion or resentment. The assembly soon after broke up, and their resolutions seem to have been highly in favour of the king.

The war a-
gain breaks
out.

No sooner was the season of action come, in the year 1142, than both parties prepared to break the inactivity, which had continued almost ever since the release of the king. It was now very evident, not only to all the party of the empress, but to herself, proud and presuming as she was, that, by her own management, she had ruined all her personal interest in England. It was now easily foreseen, that whilst she continued at the head of her party here, they never could hope for success; she therefore summoned a general meeting of her adherents at the Devises. The result of their deliberations was, that Geoffrey Plantagenet, husband to the empress, should be invited to come over, to take the direction of her affairs in England. Deputies were accordingly named to carry the message to Geoffrey. But it is now highly reasonable we should lay before the reader the situation of affairs in Normandy.

The earl of
Anjou invited
into England.

The state of
affairs in Nor-
mandy.

Upon the first confirmation of the success of the empress in England, Geoffrey marched into Normandy, where, in right of his wife, he demanded possession of the principal places of the duchy. As he seems to have been as unpopular there as his wife was in England, his success was but very indifferent; for all he effected was, to debauch one or two of the noblemen from their allegiance to Stephen. Rotroc earl of Mortaigne in Perche, Hugh archbishop of Roan, John bishop of Lisieux, with some other bishops and barons, were prevailed upon, at last, to submit to Geoffrey's government, and that of his wife; but the chief nobility of the country, who hated them both, came to a resolution of again inviting Theobald earl

of Blois, Stephen's elder brother, to take upon him the government. From this it appears, that Eustace was at this time in England, and was considered only as annexed to his father, whose fortunes they now thought were beyond recovery. But the earl of Blois was too wise to depend upon this invitation; he therefore made up matters with Geoffrey, and getting some advantages for himself, he engaged Geoffrey to use his interest for restoring the king his brother to his liberty. By this coalition Geoffrey became too powerful for all opposition in Normandy; and, about the beginning of the year 1142, he found himself in possession of its most important forts and towns. Such was the situation of his affairs, when the deputies waited upon him from his wife. There is nothing more plain, to an attentive reader, than that this prince had always a secret aversion to any concern in the affairs of England. His and his wife's long inactivity after the death of Henry, is a glaring proof of this; and his suffering the empress to prosecute the war in England, at the head of her armies, can be accounted for upon no other principle. With dispositions like these, it is no wonder if he laid hold upon the unsettled state of his affairs in Normandy, as a pretext to excuse him from personally attending his wife in England. He told the deputies, however, that he would be determined by the advice of the earl of Gloucester, of whose virtue and judgment he had the highest opinion, and desired them to apply to that nobleman to come over to Normandy, that they might consult together. The deputies returning with this answer, the party of the empress were very instant with Robert to undertake the journey. But that nobleman had but a very small opinion of either the wisdom or honesty of most of the noblemen in his own party. He used various pretences to be excused, but to no purpose; he was therefore, in a manner, forced to undertake the voyage. But it is now time to return to king Stephen and his queen.

The earl of
Anjou de-
mands that
the earl of
Gloucester
should be sent
over to give
him his ad-
vice.

David king of the Scots, as we have already observed, had escaped from the rout at Winchester, and by this time had reached his paternal dominions. Stephen knew his inviolable attachment to the empress, and his great power and credit in the north. He and his family, at this time, were in possession of all Northumberland and the earldom of Huntingdon, an estate far exceeding that of the greatest subject in England. He had likewise, for some time, been in possession of Durham; but had restored it to the elect bishop, upon condition of certain lands being annexed to his family. Stephen therefore, in the spring, resolved to profit by the absence of the earl of Gloucester, and the lowness of his adverse party. He set out for York, where he ordered a general rendezvous of his forces, with a resolution to invade the estates of the Scot, and to reduce the northern parts more immediately to depend upon himself. He was followed by his queen, and an army was soon raised. I

State of af-
fairs in the
north,

to which Ste-
phen marches;

A. D. 1142.

but is obliged
to disband his
army.

The earl of
Glocester,
upon certain
conditions,
goes to Nor-
mandy.

He returns
with prince
Henry to
England.

Warham ta-
ken,

and Oxford
besieged by
Stephen.

am inclined to think, from the silence, or at best, general relations of our authors upon this occasion, that David was too well provided for Stephen to hope for success from the intended invasion. All we know is, that he was obliged soon to disband his army, and to return to Northampton, where he fell dangerously ill about Whitsuntide; but soon after recovered his health. His affairs, however, seem not to have suffered during this interval. The war was vigorously carried on against the party of the empress, and England began again to be torn by contending factions.

The earl of Gloucester, before this time, had, upon certain conditions, undertaken the voyage to Normandy. These conditions were, that certain noblemen should go along with him, to be witnesses of his negotiation, and to be sureties, in the name of the English, for their fidelity to the earl of Anjou: that the empress should reside in Oxford till his return; and lastly, that the noblemen of the party should give him hostages, who were to be their sons, or next kinsmen, and to be left as pledges in Normandy, for the security of the empress and her husband. Those preliminaries being stipulated, the earl took shipping at Warham in Dorsetshire, and, after a dangerous passage, had an interview with the earl of Anjou. But that prince had recourse to his old pretences for disguising his reluctance for concerning himself with the affairs of England. He urged the resistance he still met with in Normandy. The more effectually to remove this objection, the earl assisted him in the reduction of no less than ten castles; but all in vain. At last, finding his obstinacy invincible, they came to a kind of a compromise together, that young prince Henry, son to the earl of Anjou and the empress, should go to England along with the earl of Gloucester.

During that earl's absence, things had a very untowardly appearance for the empress. For Stephen being now recovered of his late illness, surprized Warham, which was commanded by William, eldest son to the earl of Gloucester, and took the town. He then made a sudden march towards Oxford, in hopes of surprizing the empress; but he succeeded only in part. It was now the beginning of October, and the troops of the empress had most of them retired into winter quarters; so that the king flattered himself strongly that he should be able to seize her person. She was obliged, therefore, to draw all her forces, which consisted only of her household guards, into the castle; so that the city fell into Stephen's hands. William of Malmesbury tells us, that he burned it to the ground; but this must be only understood of part of it, since we understand, by the same great authority, that its fortifications were yet entire, and, through the great care of the earl of Gloucester, were looked upon as impregnable. Stephen thus hoping to finish the war by seizing the person of the empress, sat down before the castle, with a determined resolution to suffer no event in any other part of England

to draw him from the siege before she should fall into his hands. The noblemen of her party now began to reflect upon the shameful part they had acted, and their breach of agreement with the earl of Gloucester, by leaving the person of the empress thus exposed. They met all together in consultation at Wallingford, and, late as it was in the year, brought their troops into the field, with an intention to draw Stephen from the siege; but the king, intent on that, minded none of their proceedings.

The earl of Gloucester understanding the danger of the empress, but not (which is pretty unaccountable) the taking of Warham castle by the king, made all haste to set out, in company with the young prince, for England. He was furnished by the earl of Anjou with an inconsiderable reinforcement, not amounting to four hundred men, with this ridiculous circumstance, that they were embarked on board fifty-two ships. His first design was to land at Southampton, which, by this time, had revolted to the king; but, says Malmesbury, he was diverted from his resolution by a crew of sea-calves, who were afraid lest their relations in Southampton should suffer along with the other inhabitants; he therefore landed at Warham, from whence he had set out, and then first knew of that castle's being in the enemy's hands: however, he soon made himself master of the harbour and the town, and laid close siege to the castle, hoping, like his friends at Wallingford, that this might draw Stephen from the siege of Oxford. But the king continued inflexible in his resolution, and the earl found great difficulties in his undertaking; yet at last, after an obstinate resistance, he took the castle. This opened his way for the possession of the isle of Portland, till then held for the king, and of Ludworth castle in Dorsetshire. Encouraged by those successes, he summoned together a general meeting of all the empress's party to meet at Cirencester, declaring his intention of raising the siege of Oxford, and thereby delivering the empress.

This intrepid conduct of the earl of Gloucester had soon a sensible effect in prejudice of Stephen. Notwithstanding the flattering prospect he had of soon taking the castle of Oxford, his numbers daily decreased, and at last he found himself without troops sufficient entirely to surround the place. The empress took advantage of this, and, with a few female attendants, was let down from a window by ropes. It was now in the depth of Winter, the Thames frozen over, and a great snow upon the ground; to prevent discovery, therefore, as we are told, by Henry of Huntingdon, she and her maids had the precaution to cloath themselves in white, by which means they escaped undiscovered over the Thames, and walked on foot, till getting the assistance of a horse, she arrived at Wallingford: in all which escape I think there is little improbable.

The earl of Gloucester received the welcome news of this escape at Cirencester; and it is probable that, had not the empress made

A. D. 1142.
The party of
the empress
take the field.

Warham re-
taken by the
earl of Glo-
cester,

and the isle of
Portland and
Ludworth.

The wonder-
ful escape of
the empress.

A. D. 1143. made use of the lucky juncture she did, she must have fallen into her enemy's hands; for we are told, that, immediately upon her departure, the castle of Oxford surrendered. The earl of Gloucester now, instead of Oxford, marched to Wallingford. Stephen, upon this, appears to have retreated to London, to concert matters with his brother the legate, who was holding a synod there, as

Stephen seizes Geoffrey de Mandeville, and forces him to give up the tower of London, with his other castles. well as to recruit his forces. It seems to have been about this time that he seized Geoffrey de Mandeville at St. Alban's, in a very treacherous manner; a measure which the historians of the time pretend to vindicate, only from the necessities of the state; for it seems the king had given him a safe conduct. This nobleman held, at that time, the tower of London, together with the castles of Walden and Pleissy, then accounted two of the strongest forts in England; all which he was obliged to deliver up to Stephen for his liberty. Geoffrey, however, being a man of spirit, and an excellent soldier, got together a body of men, who acting under him as free-booters, surprized the city of Canterbury, which they plundered, with all its churches. He then marched into Huntingdonshire, where he seized the abbey of Ramsey, and turning out the monks, converted it into a garrison, which he manned and kept for himself.

Stephen prosecutes the war; All the business of the synod being over at London, Stephen again took the field, together with his brother the legate. The first march was into Wiltshire, where the party of the empress possessed Salisbury. As Stephen was apprehensive they might enlarge their quarters, he resolved, under the sanction of the legate, to seize the monastery of Wilton, an important post, and to fortify it. With this view he had advanced as far as the monastery, where he took up his lodging along with his brother. But the active earl of Gloucester receiving intelligence of this, marched to Wilton with so much secrecy, that he set flames to the monastery before the king knew of his approach. Stephen, not dreaming of such an attempt, was unprovided for resistance; and it was with the utmost difficulty that his brother and he saved themselves from the flames, and escaped, though with the loss of all their baggage, furniture, and plate. But William Martell, the king's favourite, fell into the earl of Gloucester's hands; and was, for his ransom, obliged to give up to the empress the strong castle of Sherborn, of which he was governor.

During these transactions in England, the city of Roan submitted to Geoffrey Plantagenet, and the castle soon after fell into his hands. This was followed by the entire reduction of all Normandy, under the Anjouvine race; upon which Geoffrey took the title of duke of Normandy.

But the year 1143 was closed by the loss of Milo earl of Hereford, the great pillar of the interest of the empress. A dispute had, for some time, subsisted between him and the bishop of Hereford, which went so far, that the bishop excommunicated the earl,

who, on Christmas-eve, was killed with an arrow by one of his own men. The empress was inconsolable at the loss of this nobleman, who was the first earl in England who had ever been created so by a formal patent, which passed at Oxford; though, it is possible, he might have been otherwise created before at Gloucester, as our old historians have asserted.

Stephen, about the beginning of the year 1144, besieged the city of Lincoln, then held by the earl of Chester, who had again declared for the empress: but the besieged falling out, or, according to others, the earl of Gloucester attacking the king, the mouth of a mine was stopped up, in which eighty of Stephen's pioneers were smothered to death. This discouraged the king so much, that he abandoned the siege. Both parties seem now to have raged themselves into a kind of momentary repose; they were for some time destitute, both of spirit and means, to carry on the war with the same vigour as heretofore. Accordingly, it was this year reduced chiefly to low, pilfering operations. Geoffrey de Mandeville, having, as we have seen, seized the abbey of Ramsey, soon increased his following to such numbers, as to be able to besiege Burwell castle in Cambridgeshire. Accordingly he gave it a vigorous assault; but being over-heated by his too great activity, he retired to a tree hard by, where he pulled off his helmet to receive some fresh air. A soldier in the garrison, who knew him personally, upon this aimed an arrow at him, which pierced his skull. The wound was small, and therefore neglected, but soon after proved mortal. This nobleman had great interest, but a very bad character, and therefore was of the less service to either party. He and his descendants were created earls of Essex by the empress, and had the same honours bestowed upon them, according to Hoveden, by king Stephen; a circumstance which, according to Mr. Selden, is far from being unlikely. About the same time, Robert de Marmion, another nobleman, who had garrisoned the church of Coventry, and was a man of like principles with Mandeville, was killed in a fall he made from the church, being the only man of all his party who fell.

Hugh Bigod, who has been mentioned before, after the death of Milo the constable, became one of the chief supports of the empress; and we find Stephen, in the beginning of the year 1145, employed in repelling his incursions. But the earl of Gloucester was now intent upon erecting a strong castle at Faringdon in Berkshire. The neighbourhood of this place to London, alarmed Stephen so much, that he resolved to employ his utmost force to stop the earl's design: he therefore put himself at the head of his army, which was now strengthened by a great body of the Londoners, and marched to demolish the work. The earl of Gloucester, at that time, lay with his army not far from that place, expecting a strong reinforcement, under Hugh Bigod, or some of the lords of his party. Upon the king's

A. D. 1145. See Selden's works, printed at Lond. 1726, p. 681.

Stephen besieges Lincoln;

but raises the siege.

Death of Geoffrey de Mandeville,

and of Robert de Marmion.

Stephen besieges Faringdon,

Death of the earl of Hereford.

A. D. 1146. approach, finding himself too weak to venture a battle, he was forced to be the inactive spectator of the siege, which Stephen, assisted by the Londoners, carried on with prodigious vigour, and great effusion of blood. At last, it was carried by storm; and the earl of Gloucester seems to have retired with his army, while Stephen did the like towards London. This is the only action of importance I find during this year; only it appears, that, soon after the taking of Faringdon, he laid siege to the castle of Wallingford, which held out all that year.

which he takes by storm.

He receives the earl of Chester into his friendship;

but afterwards imprisons him.

In the year 1146, Stephen finding it impracticable to carry on the siege of Wallingford with any success, turned it into a blockade, by building before it one of those wooden forts I have so often taken notice of. During this siege, the earl of Chester came to Stephen, upon the confidence of the service he had lately performed against Robert Marmion, and made his peace. But, on the 25th of August the same year, the king held his court at Northampton, to which the earl, without any suspicion, repaired. Here Stephen, forgetful of his late engagements with the earl, ordered him to be seized and imprisoned. The price of his liberty was, his delivering into the hands of the king the strong castle and city of Lincoln, with all the other places he held in England, and giving his nephew, Gilbert, as a pledge for his good behaviour. I am apt to believe, that Stephen would not have ventured upon this step, had he not thought that the earl, by his often changing sides, was now become contemptible with the public. At last, upon his complying with the king's demands, he was set at liberty. But Stephen had afterwards reason to repent him of his faithless conduct; so true it is, that, with the public, no consideration can atone for the breach of honour in a prince.

Prince Henry returns to Normandy.

Death of the earl of Gloucester.

This year, Geoffrey Plantagenet, still retaining his aversion to all concerns in England, grew very importunate with the nobility here, to have his son Henry sent back into Normandy. He had now entirely reduced all that duchy to his obedience, and had reclaimed the Anjouvines to their duty. As the young prince had neither age nor experience sufficient to be of any use by his counsel or conduct, the earl of Gloucester found himself under a necessity of gratifying the request of the father. Accordingly he accompanied young Henry to Warham, where he embarked on board a vessel, attended by three noblemen, and a great train of other followers. Soon after this, the great earl of Gloucester died of a fever at Gloucester, and was buried at Bristol. Little can be added to the character of this nobleman, besides what I have already observed; I shall therefore here close the scene of his life with remarking, that he was a man of principle, faithful to, and indefatigable in, the cause he espoused, though under the greatest discouragements, arising from the temper and dispositions of those he laboured to serve, and strongly tempted both by the virtues, offers, and successes of the party he opposed.

In this year, the frenzy of crusading again invaded the English, it being introduced by the preaching of Bernard abbot of Clareville. The example of the princes upon the continent, especially Conrade emperor of Germany, and Lewis king of France, prevailed with many of the English, particularly the earl of Mellent and earl Warren, to take upon them the cross. It appears likewise, that the English fitted out some ships for the same purpose; but the expedition did not take place till next year.

A. D. 1147. A new crusade preached.

Trivet's annals, pub. by Mr. Hale, Lond. 1719.

William of Malmesbury.

As the great morning-star of English history is now set, the reader, for some years, must be contented with the imperfect, unsatisfying narratives left by jejune writers, who knew nothing but those facts which made so great a noise in the world, that it was next to impossible to be ignorant of them. Henry of Huntingdon, however, affords us still a faint, but certain, light; and Roger Hoveden's dry relations may be depended upon. From them we learn, that Stephen, having repossessed himself of the important city of Lincoln, which had so long baffled his utmost efforts, held his Christmas there at the end of this year. As those festivals were always attended by a great council, for the dispatch of national business, Stephen held one here. The superstition of former ages had adapted a prophecy, importing death, or some fatal accident, to any prince who should, in that town, wear his crown. But Stephen, with that generous contempt of monks and old women, which was so peculiar to the blood of Rollo, presided in the council here with the crown on his head. His affairs calling him elsewhere, he was no sooner gone, than the earl of Chester attempted to recover the city: but it was left so well provided by Stephen, that when the earl made a sudden assault upon the north-gate, his chief officer under himself was killed, and his troops driven back by the citizens (who were all well-affected to the king) with great loss.

The death of the earls of Gloucester and Hereford, the absence of the Scotch king, the successes of Stephen, with the contempt and hatred the empress had fallen into, made her now despair of being able to carry her point in England; she therefore resolved now to go over into France, which she did, about the beginning of the year, in Lent 1147. She had been well served in England, notwithstanding the many disgusts she had given to the nation. The men of virtue and principle seem mostly to have been of her party; and, perhaps, the only merit she had was, in rewarding them nobly; so that the pleasure which arises from a good conscience, was not their sole retribution. Among the other illustrious converts which her cause made, the memory of Almeric de Vere, the ancestor of an illustrious race of earls, but lately extinct, ought not to be forgot. This nobleman, respectable much by his family, but more for his virtue and learning, was by her made earl of Oxford. David king of the Scots, at the same time, was possessed of the great earldom of Cambridge; a cir-

The empress goes to France.

Her benefactions to the nobility.

Account of the honours of Oxford.

and of Cambridge.

A. D. 1148. a circumstance unknown to the Scotch writers themselves; and, I am apt to believe, it had been confirmed to him by king Stephen, before the arrival of the empress in England. This was the earldom which was destined for this illustrious nobleman; and the empress seems to have thought that the king of the Scots might have been induced to have given it up, probably, because of its distant situation from his other possessions.

Seld. Madd. For we find, in an ancient book of evidences belonging to the earls of Oxford, the empress promised him the investiture of the earldom of Cambridge, on condition that the king of the Scots, who then possessed it, could be brought to resign it; but otherwise, she promised to give him the earldoms of Oxfordshire, Berkshire, Wiltshire, and Dorsetshire (1). As to the earldom of Cambridge, it seems to have come to the king of the Scots, not by gift from the empress, but as being annexed to the earldom of Huntingdon, which fell to that crown by David's marrying the daughter and heiress of Waltheof earl of Northumberland, of whom already. But even this great possession was matter rather of grace than of heritage; for that lady had been before married to Simon de Senlys, by whom she had a son. Thus, if the estates of her father had not been considered, in the eye of the law, as forfeited, this son ought to have succeeded to all his grandfather's possessions; but, after the decease of this Simon, being married to the king of the Scots, Henry I. appears to have restored her to her father's heritage, by which gift the king of the Scots became the greatest subject in England. I have been the more clear on this, as the original of the Scotch possessions in England has been but little studied.

Stephen began now to taste the sweets of tranquility in undisputed government. The party of the empress, after her own retreat, and the death of her great champion, was now looked upon as next to nothing. But this calm was deceitful; many of the barons still held their castles for her; and Stephen, rather than venture to rake up the ashes of a slumbering war, connived at their absence from his court. But the depressed party met now with a more powerful support than ever it had experienced, in the person of young Henry of Anjou, son to the empress and Geoffrey Plantagenet. This prince, who at this time was but fourteen years of age, discovered a genius and resolution but seldom found in adult years. He was old enough to know himself for the indisputed heir of the first Henry, and the object on which, not only his grandfather's friends, but many among the old English, had fixed their eyes for filling the throne of England. He had, for a long time, been soliciting his

father and mother to put him at the head of a body, to assert his patrimonial rights. At last they complied so far with his honest ambition, that, in the year 1149, he landed in England, with no more than one hundred and forty horse, and three thousand foot. As those forces were too inconsiderable to do any thing in the field, all the effect they had was, that they gave fresh spirits to the party of the empress, who now waited for a convenient opportunity, upon the first appearance of success, again to declare openly in her favour. Prince Henry had wisely opened a correspondence with his grand-uncle, the king of the Scots, who then lay with an army at Carlisle, ready to enter England. Thither the young prince marched, and was solemnly knighted by David at Carlisle, the prince royal of Scotland and the earl of Chester assisting at the solemnity. Stephen was not wanting to himself in providing against this storm, which he saw ready to break. His son Eustace was now in England, and proved a prince of great action and abilities. He appointed him to command in the southern parts, while he himself set out to fight the king of the Scots and prince Henry. Prince Eustace behaved with so much courage and vigilance, that he effectually prevented all insurrections in favour of the empress.

As to the war in the north, we learn, from John Prior of Hagulstad, and other writers, that some differences then subsisted between the earl of Chester and the king of the Scots, with regard to the latter possessing Carlisle, which the earl claimed, as belonging to his earldom. But, by the prudence of friends, a compromise was entered into by both parties, by which David was to retain Carlisle, and the earl was to be put in possession of the earldom of Lancaster. Matters being thus settled, the earl of Chester went southwards, under pretence of raising his followers, promising to rejoin, at Lancaster, the king and the prince, who were preparing to advance against Stephen; but this faithless earl was not so good as his word.

In the mean time, Stephen advanced with all the forces against the king and the prince. Being arrived at York, his intention was to build a castle at Beverley, but seems to have been diverted from it by the opposition of the monks and churchmen. Getting together, however, a great army at York, he raised a large subsidy, which I conceive to have been by way of escuage, from the barons and others who attended him. By this means his army became very numerous; while his enemies, being disappointed by the earl of Chester, were obliged to act upon the defensive. It does not appear that Stephen was very forward in provoking a ge-

A. D. 1149.
He comes again into England.

Repairs to Carlisle, where he is knighted by David king of Scots.

Difference between the earl of Chester and the king of Scots.

Stephen marches to York.

Character of Henry prince of Anjou.

(1) Et præter hoc do ei, et concedo quod fit comes de Cantebruggescyre, et habeat inde tertium denarium sicut comes debet habere. Ita dico, si rex Scotiæ non habet illum comitatum. Et si rex habuerit, perquiram illum ei ad posse meum per escambium. Et si non potero, tunc do ei, et concedo, quod fit comes de quolibet quatuor comitatuum subscriptorum, viz. Oxenfordscyre, Berkscyre, Wiltshscyre, et Dorsetscyre; per consilium et considerationem comitis Glocestriæ fratris mei, et comitis Gaufridi et comitis Gilberti. Et teneat comitatum suum cum omnibus illis rebus quæ ad comitatum suum pertineant. Vid. Selden ubi supra, p. 683.

A. D. 1150.

The two
armies sepa-
rate without
fighting.

neral battle; and thus both armies, who for the whole summer lay facing one another, departed without action.

The king of
France invades
Normandy.

A peace con-
cluded.

Next year, which was 1150, we find both prince Henry and prince Eustace in Normandy. The former had been recalled thither by his father, the earl of Anjou, who, not long after, surrendered to him that duchy. The latter was invited over by Lewis king of France, who being now returned from the Holy Land, resented Geoffrey's conquering and possessing the duchy of Normandy without his consent; taking part, therefore, with Eustace, he invaded Normandy, and laid siege to the castle of Argues. He was opposed by Geoffrey, and his son now duke of Normandy; but, by the intercession of friends on both sides, a peace was concluded on, and the homage of Henry, for the duchy of Normandy, was accepted of by the king of France. Peace being thus concluded, Geoffrey returned to Anjou, where, in a few days after, he died. Thus the young Henry was left in possession of Normandy and Anjou, by which he became the most powerful subject in France; but an event which happened soon after, rendered him still more powerful.

The king of
France di-
vorses his
queen.

Lewis king of France was married to Eleanor countess of Poictou and duchess of Aquitaine. As there was a great disproportion of age between them, the queen being much younger than her husband, their married state was filled with bitterness on both sides; and the king, at last, directly charged his wife with an intrigue with a young Saracen, which was too notorious to be longer concealed. Lewis, however, to avoid the disgrace which often attends the injuries of a married state, had procured a divorce from her, under pretence of consanguinity. But that monarch's delicacy carried him still farther, and even beyond the bounds which true policy ought to have prescribed; for he restored to her all her large estate. By this conduct he turned loose into the world a fine woman, with every thing that could prompt ambition; not considering that the accession of her fortune to the dominions of many princes on the continent, would make them formidable to himself. Young Henry Plantagenet seized the tempting prize; and Eleanor, whose age was the mean between his and that of her last husband, gave herself up to him, with all her estate. By this, Henry, before he was quite eighteen years of age, was master of Normandy, Anjou, Guienne, Aquitaine, Poictou, Touraine, and Maine. The king of France too late saw his error, and sought how to distress Henry. Again he entered into a league with Eustace, the son of Stephen, Robert earl of Perche, and Henry earl of Champaign, and laid down a plan of partition of all young Henry's territories. It would have been difficult for the king of France to have found a pretence for this, had it not been for the following incident. Geoffrey Plantagenet, at the time of his death, divided his dominions between Henry and his second son, Geoffrey, to whom he left

Henry's great
possessions by
his marriage.

the earldom of Anjou, with this express order, that his body should not be buried till young Henry should take an oath to fulfil his will.

This oath Henry took, but with great reluctance, and observed it with little faith. Young Geoffrey, therefore, became a natural party in the alliance against his brother: Normandy was invaded by a powerful army, Newmarket was besieged, and fire and sword carried into all the open places that remained firm to Henry. A prince of less constancy and abilities, attacked so early in life, would have been daunted at so powerful an invasion; but Henry, as if glad of an occasion of displaying his qualities, immediately advanced from Barfleur, and dividing his forces, sent one part to guard Normandy, and to act on the defensive in preventing the farther progress of the allies; while he put himself at the head of the other, and fell into the Veuxine, then belonging to the crown of France, which he filled with ravages and desolation. This gave the arms of the allies so critical a diversion, that the king of France was obliged to withdraw his forces for the defence of his own dominions. Henry then reinforcing his army in Normandy, returned to Anjou, where he took Montfortel from his brother Geoffrey, and obliged the young prince to renounce his alliance with the king of France and the other princes. In the mean time, Lewis, taking advantage of Henry's absence, again invaded Normandy; but he was so speedily opposed by Henry, that he was obliged to come to terms likewise.

His difference
with the king
of France,
his brother,
and other
princes.

While the dominions of Henry were thus attacked in France, his claim to the crown was as vigorously attacked in England. Theobald archbishop of Canterbury, and Henry bishop of Winchester, the king's brother, having long lived in a state of mutual animosity; the archbishop could not brook that his own suffragan should, as legate of the pope, give him law; nor could the bishop, the brother of a king, suffer any superior. The several proceedings on both sides are foreign to this part of the history. It is sufficient to say, that the bishop was supported by the court, and the metropolitan by the precarious friendship of the see of Rome, which often changes its masters. About the year 1147, pope Eugenius held a council at Rheims, to which he summoned the English bishops; but this voyage, through the influence of the legate, was absolutely forbid by Stephen. The archbishop, however, found means to escape over into France, where, under pretence of attending the council, it is more than probable he entered into secret engagements with the Anjouvine party, as will appear by the sequel. Whether Stephen suspected this, is uncertain; but the archbishop was, for several years, perpetually banished, or persecuted, by the court of England. Stephen, in the year 1151, took advantage of the league formed against Henry, which threatened his entire destruction, to propose to the English that his son Eustace should be crowned king of England.

Animosities
between the
bishop of
Winchester
and the arch-
bishop of
Canterbury.

The

A. D. 1152.
John prior of
Haguitad
Chron. Ger-
valli.

A. D. 1153.

Stephen dis-
appointed.

who comes
over to Eng-
land,

and besieges
and takes
Malmesbury.

The prosperous state of his affairs in England, and the storm which was then breaking upon Henry's dominions in France, had rendered him almost sure of success. Besides, we learn that he had negotiated the matter at Rome by the archbishop of York; but he was over-reached by the intrigues of Theobald, who employed a clergyman of London to countermine his attacks. This clergyman had the address, upon proper representations, to procure from the pope letters which expressly prohibited him, "from advancing to regal dignity the son of an usurper." Stephen, little expecting such an answer, was exasperated to the highest degree. According to some authors, however, he gained his point in part, by the temporal nobility taking an oath of fealty to Eustace; but the clergy made so obstinate a resistance, that Stephen was driven to the desperate resolution of shutting them all up prisoners in one apartment. This severity intimidated some of the bishops, but had no effect upon the chief; and the archbishop of Canterbury, finding means to escape over the Thames in a boat, reached Canterbury, and from thence went over into Normandy. The escape of the archbishop was looked upon as having an unalienable power to crown the kings of England, entirely disconcerted all the schemes of Stephen. He began now to think he had gone too far, and sought to repair his mistake in suffering the other bishops to depart unhurt and unmolested, either in their persons or estates.

The castles of Newbury and Wallingford still held out against Stephen. This year he took the former, and attempted the latter. The favourable turn which Henry's affairs had taken by this time in Normandy, gave the besieged so much spirit, that they made an obstinate defence; and the king, despairing to take the place by storm, straitened it farther by building another fort. This put them under such difficulties, that they were obliged to send over to Normandy, to ac-

quaint Henry, that, if they were not speedily relieved, they would be obliged to give up the castle.

Henry's Norman affairs being now pretty well settled, he found leisure to come over into England about the middle of January, 1153, but was attended by a small army; yet no sooner had he set his foot on English ground, than it was increased to a considerable number. The great reputation he had already acquired strengthened his claim of blood; and all who had appeared in arms for the mother, were now ready to join the son. His first attempt was upon the castle of Malmesbury, which he besieged and took, before Stephen had any information of his having sat down before it; but the keep, or tower, which, in those days, was thought impregnable, was defended for the king by one Jordan, who leaving a deputy in his room, made his escape to Stephen, and informed him of the state of his affairs. Stephen, according to Henry of Huntingdon, could not dissemble his surprize and discontent at this news: however, understanding that the place was well provided for a defence, he immediately assembled a fine army, and marched with an intention to give Henry battle. Being advanced as far as Cirencester, or, according to other authors, very near Malmesbury, so furious a tempest arose, that it prevented his attacking Henry, and raged so violently, that he was obliged to return to London. This disappointment obliged the tower of Malmesbury to surrender. Robert earl of Lincoln, at the same time, declared for duke Henry, and furnished him with all kind of military stores. It appears that the late tempest was so violent, and that the king's army had suffered so much in their march, that Henry, meeting with no opposition, subdued no less than thirty castles before the king could again take the field. In the mean time Stephen's forces were pressing the (1) castle of Wallingford, so that it was reduced to the last

The castle of
Wallingford
holds out for
Henry,

(1) It may be proper to give the reader some account of this celebrated castle, the rather as no ruins of it remain now, from which he can have any idea of it. This I shall do from Camden. — From Bretueil the Thames bends its course to the once chief city of the Atrebatii, which Antoninus calls Gallea Atrebatum, and Ptolemy Galeva (both through the carelessness of copiers) instead of Gallena; and these likewise, in the Greek copies, obtrude upon us *Ναλκνα*, by a transposition of the letters, for *Γαλληνα*. For I have thought that it was so called in the British tongue, as it were Gual-len, that is, the Old fort; which name being still kept, and ford (from a shallow place in the river) added to it, the Saxons, in ancient times, called it *Guallelengapord* and *Palengapord*; and we, now-adays, by contraction, Wallingford (as it is also called in the Saxon annals) according to the several ages, *Pealingapord*, *Palingeapord*, *Palinzapord*. In Edward the Confessor's time, it was counted a borough, and contained in it (as we find in Domesday-book) two hundred and seventy-six houses, yielding nine pounds tax; and those that dwelt there, did the king's service on horseback, or else by sea. Of these houses, eight were destroyed for the castle. It was formerly walled about, and (as may be seen by the tract of the ditch and wall beginning from the castle, saith Leland) was a mile in compass, or more. It hath a castle seated upon the river, very large, and so well fortified in former times, that the hopes of its being impregnable hath made some persons over resolute; for, when the flames of civil war had set all England on fire, we read, that king Stephen did, every now and then, attempt it by siege, but always in vain. We much wondered at its greatness and magnificence, when we were boys, and retired thither from Oxford; for it was a retiring-place for the students of Christ-church at Oxford. It is double walled, and surrounded with two ditches; Leland says, with three dykes, large and deep, and well watered. In the middle stands a tower, raised upon a very high mount, in the steep ascent whereof, which you climb by stairs, I saw a well of an exceeding great depth. The inhabitants believe it was built by the Danes; but I should rather judge, that something was erected here by the Romans, and afterwards demolished by the Saxons and Danes, when Sweyn the Dane harraided the country up and down in these parts. At length it recovered under William I, as plainly appears by Domesday-book, where it makes mention of eight houses being pulled down for the castle, as I observed but now. Yet William Gemeticensis takes no notice of this castle, when he writes, that William the Norman, after Harold's defeat, immediately led his army to this city (for so he terms it) and passing the Thames at the ford, encamped here, before he marched to London. At which time, Wigod, an Englishman, was lord of Wallingford, who had one only daughter, given in marriage to Robert d'Oily, by whom he had Maud his sole heir, married first to Miles Crispin, and after his death, by the favour of king Henry I, to Briant Fitz-count; and he being bred a soldier, and taking part with Maud the empress, stoutly defended this castle against king Stephen (who had raised a fort over-against it at Craumesh) till the peace, so much wished for by England in general, was concluded in this place, and an end put to that terrible quarrel between king Stephen and king Henry II. And then the love of God did so prevail upon Briant and his wife, that, quitting the transitory vanities of this world, they wholly devoted themselves to Christ, and by that means this honour of Wallingford fell to the crown.

A. D. 1153.

Henry
marches to re-
lieve Walling-
ford,

extremity, and duke Henry resolved to
risque all for its relief. Accordingly, be-
fore the king was in a condition to oppose
him, he laid siege to Stephen's blockading
forts, and not only pressed them with the
utmost vigour, but opened a communication
between his army and the castle. The forts,
however, made a vigorous defence, and Hen-
ry drew a large line of circumvallation round
the whole. All this time Stephen was mak-
ing prodigious efforts to relieve his troops,
and getting together a fine army, much su-
perior to that of the duke, he marched
within sight of the place, hoping either to
raise the siege, or force Henry to a battle.
According to the description of Gervase, the
chief of the blockading towers was erected
upon a bridge which Stephen had thrown
over the Thames, and was so disposed, as to
cut off all communication between the coun-
try and the castle, unless a superior force
could open it. But the duke's activity and
resolution conquered all opposition; for, fear-
ing to be shut up between Stephen's army
and the towers, he made a desperate effort
to take the latter before Stephen could ar-
rive. His attempt, through his own cou-
rage and personal activity, proved success-
ful. He broke, with a few resolute sol-
diers, in at the tower, where Stephen's men,
amazed at such a resolution, gave way, and
retiring to the top, were, by the duke's sol-
diers, thrown all headlong to the ground.
Scarce was this prodigious exploit performed,
and the castle entirely relieved, when Ste-
phen's army appeared in sight. I am in-
clined to believe, that Henry depended not
a little on his secret friends about the king's
person declaring for him, in case of an
action; for Henry of Huntingdon tells
us, that the duke no sooner saw the royal
army, than he ordered his lines of circum-
vallation to be levelled, and drew out his
forces, at some distance from the castle, in
order of battle, notwithstanding the great
disparity of numbers on the side of the king,
to whose military capacity Henry could be
no stranger. Stephen shewed a like alacrity
for action, well knowing, says the same au-
thor, that the duke's youthful ardour would
expose him to an unequal battle, and that
he would not fail, at the head of his troops,
to provoke the king, who, in feats of arms
and bodily strength, excelled all the age in
single combat. But Henry's confidence seems

which he ef-
fectually does,and offers bat-
tle to Stephen.

to have been the best grounded. The two
armies were now about a quarter of a mile
distant the one from the other, and every
thing was disposed for action; but Stephen,
as appears from the relation of historians,
found an invincible backwardness among his
troops. Henry of Huntingdon gives a sen-
sible and an honest account of this matter;
for he tells us, that, (1) when both armies
were ready to fall on, the noblemen, even
those who had proved traitors to their coun-
try, all rose up, and insisted upon the king
and the duke making matters up; though
those people, of all things in the world,
most hated peace. "But, continues the
"same historian, they were afraid to come
"to any decisive action, because, in that
"case, the conqueror might be powerful
"enough to tyrannize over themselves; it
"was therefore their interest that there
"should always be a mutual fear of one
"another, so that neither of them should
"have full exercise of regal authority."
This seems to have been the true state of the
matter, and of the sentiments of Stephen's
army, to which, till then, he was a stranger.

Means and
measures by
which an ac-
commodation
is brought
about.

(2) But an accident, at this time, led him
fully to understand them. As he was mounted
on a sprightly horse, and ranging his men in
order of battle, the creature once or twice
curveted, and, at last, rearing itself on its
hinder legs, the king fell from its back, and
received some hurt. The earl of Arundel
had address enough to lay hold of this cir-
cumstance to open to the king the senti-
ments of his noblemen; for he told him,
"that very accident ought to convince
"him, that heaven was displeased with his
"preparations to fight an enemy who had
"the right of blood and justice on his side.
"Adding, that it was shameful for English-
"men, and kinsmen, to sheath their swords
"in the bowels of one another, for a quar-
"rel of ambition between two men. Let
"civil discord, therefore, said he, cease, and
"let peace be restored to the land, by a
"mutual compromise between you, and by
"your dispositions to live with one another
"hereafter in perpetual amity." It was in
vain for Stephen to dispute this advice; for,
looking round him, he saw it approved by
the eyes and assent of all present. Finding
it, therefore, the general sense, he wisely
thought, that to hold out, in his circum-
stances, would be the same thing as de-

(1) Insurrexerunt autem procures immo proditores Angliæ de concordia inter eos agentes, nihil tamen magis, quam dis-
cordiam diligentes, sed bellum committere volebant, quia neutrum exaltare volebant, ne altero subacto, alter iis libere do-
minaretur; sed semper alter alterum metuens, regiam in eos potestatem, exercere non posset. Hist. Hen. Huntingdoni.

(2) Verum quia expugnare non potuit super pontem Tamensis fluvii turrem ligneam cum propugnaculis erexerat, ad arcendos
videlicet Wallingfordensium militum excursus: dux vero ex improvise cum paucis armatis e præsidio profilivit, fabricam ho-
stilem non sine suorum periculo expugnavit, regioque satellites manibus fidelium suorum deorsum præcipitavit. Sic dux cum
suis armatorum copiis, libere progressus in campestri planitie, contra regis exercitum castra metatus est. Vix tribus stadiis
inter se distabant castra regis et castra ducis. Cum autem rex de ordinandis aciebus cum suis comitibus et baronibus eminens
tractaret, equus regis priores pedes in sublime erexit, et non sine periculo sedentis in terram pronus elisus est. Hoc secundo
et tertio est repetitum. Cunctis itaque portenti hujus novitate attonitis, Willielmus comes de Arundello, vir eloquentissimus
hujusmodi prorripit in vocem, "evidentibus inquit, O rex docemur indiciis si instantis pugnae contra ducem subierimus con-
"flictum minime nobis fore tutum, cum et illum ineundi certaminis justior causa sollicitet, et pugnam cum illo exheredato-
"rum per te manus ardentibus animis periculo imminet caput nostrorum. Præterea tanta est in utroque exercitu con-
"sanguineorum atque nepotum, sed et fratrum inter se dissidentium multitudo ut cum permixtis contrariis agminibus pugna-
"tum fuerit, necesse sit ut quam plures paricidalis contagio polluantur. Quiescat igitur civilis belli nefanda rabies, missique
"vicissim bonæ et probatæ fidei legatis, discordes consanguineorum hinc inde mentes ad debitæ dilectionis unitatem revocentur,
"acceptisque belli induciis odiorum causæ interim conquiescant." His dictis consensit rex, consenserunt et alii qui regi
assistabant. Tandem hoc inter principes regio decretum est, ut rex cum duce seorsum de pace colloqueretur, deinde pax inter
iplos facta, ad utriusque partes principes referretur. Chron. Gervas.

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A conference between Stephen and Henry.

A cessation of arms agreed on.

All but Eustace shared in the general joy. It was easy for him to foresee, that there could be no agreement, between his father and a prince of Henry's ambition, but what must be much to his prejudice. His late and near prospect of being himself raised to the throne, embittered his reflections. He warmly expostulated with his father, who was full of parental affection; but in vain: for his father was obliged to give way to the necessity of the times. Full of rage and despair, therefore, he left the court, and went to Cambridgeshire, where he took the field at the head of an independent body of troops, with a resolution to lay the country waste, without sparing the most sacred edifices. Accordingly he came as far as St. Edmundsbury, where he died through grief and vexation. A superstitious historian, addicted to monkish vanities, makes his death a divine judgment, for his attempt to spoil the abbey of St. Edmundsbury. He tells us, that having laid this abbey under contribution, and the monks and abbots not answering his demands, he ordered the standing corn belonging to the place to be cut down; after which, sitting down to dinner, upon the first morsel he put into his mouth, he grew frantic, and, soon after, expired. He was buried at Faversham, near his mother, the excellent Matilda, who died only three months before. The earl of Chester, who has made so considerable a figure in this reign, died soon after, and was supposed to have been poisoned by one of his tenants.

Death of Eustace, Stephen's son.

Death of the earl of Chester.

The war renewed.

The cessation of arms being now expired, both parties again addressed themselves for action. The death of Eustace had greatly strengthened Henry's interest, as Stephen had now only one son, whose years were too tender, and capacity too narrow, to give a rival any uneasiness. It is probable that, during this cessation, duke Henry had quartered his army in those places best affected to his own interest; and that both parties,

in this intermediate space, had used their utmost endeavours to strengthen themselves. In autumn, Stephen laid siege to the castle of Ipswich, which was defended against him by Hugh Bigod earl of Norfolk, who continued still his declared enemy. Henry, at the same time, to give the king's arms a diversion, laid siege to the town and castle of Stamford. The king thought that the taking of the castle of Ipswich was of more importance to him than the relief of Stamford; he therefore suffered Henry to make himself master of that town, while the castle vigorously held out against him. At last, both places fell into the hands of their several besiegers. After this, the duke marched to Nottingham, which town and its castle he took, after a short resistance.

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The surviving son of Stephen, as I have already hinted, had few or no qualities to fit him for government, and the king was therefore the more inconsolable for the loss of his wife and son; but, at the same time, he was the more sincerely disposed towards an accommodation with duke Henry. The sentiments of his brother, the bishop of Winchester, contributed not a little to this. That pragmatical prelate (at whose ambition or vanity the war, which now raged in England, had always lighted its torch) seeing no prospect of the scepter's continuing in his family, began now to cherish pacific overtures. Theobald archbishop of Canterbury, who, by this time, had returned to England, and was reinstated in all his former dignities and possessions, laboured likewise, with great earnestness, to bring about the great work of peace. But as there was no law in England which set females aside from the succession, and as Henry, in the order of descent, stood only after his mother, it was therefore both necessary and decent, that she should be present at all the negotiations which were set on foot. Some [Pol. Virgil.] noblemen, who were friends to both parties, accordingly prevailed with her, at this time, to come over into England; and, by the unwearied intercession of the mediators, a conference was appointed to be held at Wallingford, between the king on the one part, and Maud and her son on the other. A great many overtures were offered, and rejected, on both sides; at length, matters were finally adjusted; and the terms being drawn up, it was agreed to call a general council of the nobility, both spiritual and temporal, at Winchester, where the whole should be ratified.

Endeavours for a lasting peace.

[Pol. Virgil.]

Accordingly the council met, to put the finishing hand to an accommodation which before was materially concluded upon. The king led the duke into the council by the hand; and the terms of accommodation were declared, which were in substance,

which is effected.

That king Stephen should reign, as law-ful king in England, during the whole term of his natural life; and that, after his decease, Henry duke of Normandy should succeed to the crown, without any obstruction or molestation from the heirs of Stephen.

Its terms.

There were several other separate articles, such

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such as, That Henry, during the life-time of Stephen, should continue faithful to him, as a subject of England; and that the king, on his part, should, to the utmost of his power, defend Henry in his just rank, and all his privileges. That William, the surviving son of Stephen, should be preserved in all his estates and possessions, which were very large, particularly in those which came to him by his marriage with the daughter and sole heiress of the late earl of Warren.

Article with regard to Non-jurors.

But the most extraordinary separate article of all, and which has never been taken notice of by any of our historians, was with regard to the Non-jurors, who, in consideration of this agreement between the king and the duke, were now obliged to pay homage, and take the oaths, to the former. These recusants, Stephen says, both earls and barons, had never been his liege-men.

Reflection.

From this circumstance we may easily conceive what a miserable condition England must have been in at that time, when there lived in the heart of the country so considerable a body of men, who not only refused their allegiance to, but (as there is reason to believe) enjoyed no protection from, the government; each forcibly maintaining his own estate, and each making his own sword the tenure of his possession. At the same time it was stipulated, that the chief men of the kingdom should take an oath, and some of them to give hostages, to deliver up to the duke the principal castles that were in their hands. Particular mention is made of the tower of London, the castle of Windsor, and the castle of Oxford, in the hands of Roger de Luccio; the castle of Lincoln, in the hands of Jordan de Buselo; with the castles of Winchester and Southampton, in the hands of the bishop of Winchester.

Such are the particulars of this famous treaty; and every thing being settled to the mutual satisfaction of the parties and all the assembly, the king received Henry as his adopted son, the duke paid reverence and homage to the king as his father, and William, Stephen's son, swore fealty to the duke as heir apparent to the crown. Some time after, the king issued a charter, directed to all his subjects, in which the condition above-mentioned, with many others, are particularly recited; and it is observable, that in this charter the king says, that he had appointed Henry duke of Normandy his successor and heir to the crown of England, according to hereditary right. Hoveden, an author of no mean credit, says, that, by the late agreement, the king appointed the duke to be high-justiciary of the kingdom of England. But this, I conceive, is a mistake, founded upon a passage of the said charter, not rightly understood; in which the king promises to consult the duke, and to take his advice, with regard to all the arduous affairs of the kingdom; but, at the same time, with an express reservation, that all matters of justice and right shall be transacted in his own royal name and authority.

This year is distinguished by the death of David king of Scotland, which was as edi-

fying as his life had been active. He had the misfortune to survive his eldest son, prince Henry; but left behind him three grandsons, and as many grand-daughters, by that incomparable prince. He died at Carlisle, on the twenty-fourth day of May, after a reign of twenty-nine years, two months, and three days; and was buried at Dumfermling, with all the splendor which the manners of the age and country admitted of. The gross daubings of priests and monks, who extolled this prince for the only blemish of his reign, his profusion to the church, have darkened his real virtues. But it must be owned, that he behaved with a magnanimity in the cause of the empress, which demanded a more grateful return than what his immediate successors met with from hers. His great acquisitions in England, of which he died possessed, and which, notwithstanding all his opposition to Stephen's government, seem never to have been sequestered by that prince, prove him to have been an able statesman; and the excellent polity he introduced in his own country, discover his great abilities as a legislator. But the nauseous panegyrics bestowed on him by his own countrymen, as a warrior, in which they equal him to the greatest heroes of antiquity, are best refuted by the facts we have already seen.

The late treaty at Winchester being concluded, the king and the duke returned to London, where they were received with great demonstrations of joy and affection. From thence Stephen set out in a magnificent progress through England; shewing himself every where, says Brompton, as a new king. The grateful people, now breathing from their late calamities, every where received him with the utmost demonstrations of loyalty; and the king, on his part, published an edict, not only restraining all former violences and robberies through the country, but ordering all foreign mercenaries and bow-men to be disbanded. Thus the golden age appeared to be restored to England, and her former sufferings seemed to give a higher relish to her present happiness. Many of the English, who, through their late calamities, were obliged to fly beyond seas, were now encouraged to return, and brought along with them that best of all riches, the arts and manufactures of the countries in which they had resided. Another effect of this peace was, that faction and injustice were partly suppressed by the concurrence of both parties, in demolishing many castles built and held by private persons, for the purposes only of violence and rapine upon the adjacent lands.

As to duke Henry, I am apt to believe, that he took this opportunity of going over into Normandy; though his stay could not be long: for soon after we find him in England. Stephen having gone to York, in his progress, found that one Philip de Colville, in contempt of the late regulation, had fortified himself very strongly in his castle, which was almost inaccessible through woods and marshes. This person refusing to deliver

A. D. 1153.
Death and character of David king of the Scots.

Stephen makes a progress through England.

John Prior of Hagulstad.

Stephen grants a charter, confirming the same.

Stephen's excellent regulations.

A. D. 1154.

His farther
differences
with Henry.

deliver up his fortrefs, the king raised an army of the militia of the country, and attacked it so vigorously, that he reduced it. From thence Stephen returned to York, and by the thirteenth of January, 1154, we find him at Oxford, where another great council was held, in which all the noblemen who had not yet paid their fealty to the duke, performed it now. Soon after, they had another interview at Dunstable, where the duke complained that Stephen had shewn some partiality, by suffering certain persons, whom he favoured, still to retain their castles, in breach of the articles of Winchester. The king, at first, sought to evade this charge; but it being pressed home by the duke, with a kind of a demand, that the execution of the articles should be enforced, Stephen flatly refused to do any farther in the matter, than what was done already. As the matter was of no great importance, Henry, rather than disoblige his newly gained father, insisted no farther in his complaint; and, according to Huntingdon, he received the king's leave to return into Normandy, yet it seems he did not for some time set out.

Their inter-
view with the
earl of Flan-
ders.A sham con-
spiracy against
Henry.

Gervase.

But great endeavours were now used, by some disaffected persons, to rekindle a misunderstanding between the king and the duke, though ineffectually; yet an accident happened at this time, which seemed to promise to blow the flames of discord higher than ever. For Theodoric earl of Flanders, and his duchess, now landing at Dover, the king and the duke set out to confer with them upon some family affairs. In their journey thither, they were most magnificently received and entertained at Canterbury. But here the duke received, or pretended to receive, intelligence of a conspiracy among the Flemings (who were always held in high regard by Stephen) to take him off, and to set up William, the king's son, who was said to be at the head of the conspiracy, in his stead. It happened critically, that that young prince, at this very time, riding along Barham-downs, in his way to Canterbury, fell from his horse, and broke his leg; by which accident, it was pretended, the designs of the conspirators were disconcerted. But this conspiracy seems to have been a forgery of the monk, or rather a contrivance, to impose upon Stephen. Be that as it will, it is plain, that Henry never apprehended any thing from it; for, after the interview was over, he returned to Canterbury, and made all the haste he could through Rochester to London, where he embarked for Normandy.

Stephen employed the remaining hours of his life in smoothing the way for the accession of his successor. The short specimen of his virtues, which he had now time to give his subjects, discovered how much they had lost by their king's being perpetually employed in war. The land now wore a new face; and Stephen, after another interview with the earl of Flanders, again returned to Canterbury. Here he fell ill of the hæmorrhoides, a distemper to which he

had been long subject, and which carried him off on the twenty-fifth of October, 1154, in the fiftieth year of his age. He was buried at Feverham, near his queen and son, in the abbey church of that monastery, which had been founded by himself some years before.

A. D. 1154.
Stephen's
death,

Of all the Norman princes who had swayed the scepter of England, Stephen was undoubtedly the most amiable, both in his personal and political qualities. If, with some authors, we were to admit ambition to be virtue in a king, and that no ties of justice and humanity ought to limit his views, when power is the object, the conduct of Stephen must be unexceptionable, even to his greatest enemies. We have already seen in what light he stands with regard to his seizing the crown of England, and we have considered that action in its bright, doubtful, and darkest sides. Usurpation and perjury are, doubtless, detestable, in the eyes both of God and man; but it has seldom been seen, where the usurper and the perjured have set off their crimes with so many virtues as we have found in Stephen. The violent may exclaim and curse those virtues, because they undid his country; but I again repeat it, that Stephen was no more an usurper than all the kings of England had been, ever since the days of Edward the Confessor. The charge of perjury against him, cannot indeed admit of so much alleviation; that he had sworn to Matilda and her son, is certain; but the violent for hereditary right, if they understand their own principles, must admit that oath to have been unlawful, because it was taken in prejudice of Robert duke of Normandy, and in his life-time, who possessed from the Conqueror the undoubted right of primogeniture. But this argument I urge, not to excuse Stephen, but to expose the inattention which the passions of mankind, when strongly bent upon tenets which they want to establish, occasion. What may be urged with more force in favour of Stephen's conduct, is the interregnum which happened immediately upon the death of Henry I, through the empress neglecting to come over into England, in prosecution of her claim; but whether, in the eyes of the impartial public, those considerations can excuse or alleviate the conduct of Stephen, I am uncertain. The principles of civil liberty are too well understood for an author now to fear to tell his sentiments, when he reasons from facts, however strong prepossessions may be, and however fortified by time, under arbitrary governments, with whom historical justice was criminal, and impartial reflection an offence to the state. To return therefore to Stephen's character. The breach of his engagements with the people, after they had generously placed him on the throne, can never be vindicated, either in justice or in policy; they never can in justice, because a prince's oath is all the security a people can have for his personal behaviour, as his charter was then for his political conduct. The Norman invasion had thrown down the great barriers

A.D. 1154. between power and the liberty of the commons; nor were the precise limits of both so well understood then, as they have been since; for this reason, the private virtue of the prince was the security which the nation chiefly depended on; and Stephen basely deceived them. The necessities of government, and the provocations on the part of the people, are urged on like occasions; but if government itself is instituted only for the good of the people, it is unjust that the ends should be perverted, only for the convenience of the means. As to any provocations given by the English, I find none, whatever may have been intended; nor indeed, in the nature of things, could there have been any, since the demerits of individuals can never weaken the obligation of acts, intended for the safety of the whole. This breach in Stephen, I say, was likewise inconsistent with true policy; it endangered the affections of the English; it lost many of them, which had he retained, his throne must have continued firm, amidst all the shocks of domestic contention, or foreign power. To conclude, the greatest enemies of Stephen must allow, that the commons, under him, were less oppressed, and the nation less impoverished by the government, than it had been by the other princes of the Norman line; and, with regard to his title to the crown, I shall only observe, that the Cato of the age, Robert earl of Gloucester, thought it good, while a preferable title lay dormant, and before Stephen, by any acts of violence in his government, broke his engagements with his people.

Stephen's marriage and issue.

As to the marriage and issue of this prince, the most accurate account I find of both, is in Mr. Speed, of all other historians the most exact in those matters.

Maud, the wife of king Stephen, was the daughter of Eustace earl of Bulloign, the brother of Godfrey and Baldwin, kings of Jerusalem. Her mother was Mary, sister to Maud queen of England, wife of king Henry, her husband's predecessor. She was crowned at Westminster upon Sunday, being Easter-day, and the two and twentieth of march, in the first year of her husband's reign, and of Grace 1136; and being queen fifteen years, she died at Henningham castle, in Essex, the third of May, and year of Christ 1151, and was buried in his monastery at Feversham in Kent.

Baldwin the eldest son of king Stephen and queen Maud, bearing the name of king Baldwin, his uncle, was born in the time of the reign of king Henry, his father's uncle, and died in his infancy, during the reign of the same king. He was buried at London, in the church of the priory of the Trinity, within Aldgate, which was a house of black canons of the Augustinian order, founded by queen Maud, the first wife of the foresaid king Henry I.

Eustace, the second son of king Stephen and of queen Maud his wife, being the heir apparent to them both, when his father was king was created earl of Bulloign, which dignity was the inheritance of his

mother. He married Constance, sister of Lewis VII. king of France, daughter of king Lewis the Gros, who afterwards was remarried to Raimond III, earl of Tholouse; for Eustace died before her, without issue by her, on the tenth day of August, in the eighteenth year of his father's reign, and of Grace 1152. He was buried by his mother in his father's monastery, at Feversham in Kent.

William, the third and youngest son of king Stephen and queen Maud, married Isabella, daughter and heir of William Warren, the third earl of Surrey, with whom he had that earldom. He was, in his father's lifetime, earl of Surrey, lord of Norwich and Pevensey in England, earl of Mortaigne, and lord earl of Normandy. After his father's death, king Henry II. made him knight, resumed those things that he held of the crown, restored him to all his father held before he was king; and so he was earl of Bulloign, Surrey, and Mortaigne: and being with him in his journey to Tholouse, died, without issue, in his return homeward, in the month of October, the seventh of king Henry's reign, and of Christ Jesus 1160.

Maud, the eldest daughter of king Stephen and queen Maud, was born before her father was king, in the reign of king Henry I, her uncle; in whose time also she deceased, being but young (though some report she was wife to the earl of Mellent) and was interred at London with her brother Baldwin, in the priory of the Trinity aforesaid, then commonly called Christ-church, and now, lately named, the Duke's-place, within Aldgate.

Mary, the younger daughter of king Stephen and queen Maud, was a nun, and abbess of the nunnery at Rumsey in Hampshire; notwithstanding, when her brother William, earl of Bulloign, was deceased without issue, she was secretly taken from thence, and married to Matthew, the younger son of Terrey of Alsace, and brother of Philip, who, in her right, was earl of Bulloign. She was his wife ten years, and was then divorced from him by the sentence of the pope, and forced to return to her monastery, having had issue by him two daughters, which were Ide and Maud, allowed by the censure of the church to be legitimate. Lady Ide, the elder, was married to Raimond of Damp-martine, in her right earl of Bulloign; and Maud, the younger, to Henry duke of Lorrain.

William, the natural son of king Stephen, is mistaken, by some, to be the same William that was earl of Bulloign. Others, who know that William earl of Bulloign was lawfully born, do think that his father had no other son named William but him; wherein let William earl of Bulloign, the lawful son of king Stephen, be himself a lawful witness of the truth, who having best cause to know it, doth best prove it; and, in an ancient charter of his, being written in those days, and extant in these, doth name him for a witness, and calleth him his brother.

Gervase, another natural son of king Stephen,



A. D. 1154. phen, begotten on a gentlewoman, named Dameta, and born in Normandy, was brought into England by his father the fifth year of his reign, Ann. Dôm. 1140. He was the same year, by his father's means, made abbot of Westminster, and so continued for the space of twenty years. He deceased there the twenty-sixth of August, in the sixth year of the reign of king Henry II, the year of Grace 1169, and lieth buried in the south part of the cloister within the said monastery, under a flat stone of black marble, which is remaining there unto this day.

His laws.

As to the laws of this king, we can say little or nothing; the executive part of the government, while vested in him, was very turbulent, so that few laws seem to have been enacted, and fewer observed. Such

antipathy, says Mr. Selden, hath clashing of armour and pronouncing of laws to one another. William of Newburgh, an historian who lived near those times, well accounts for this. "(1) Each party, says he, raised numbers of castles throughout all their counties; and there were, in England, as many kings, or rather tyrants, as there were lords of castles, each of whom usurped a power of coining money, and exercising upon the subjects other acts of royal jurisdiction." Those castles, by Matthew Paris, are said to be no less than eleven hundred and fifteen. It must not, however, be forgot here, that, under Stephen, an attempt was made to introduce the civil law into England; but this attempt was soon crushed by his authority (2).

5. H E N R Y II.

A. D. 1154.
State of the nation at the time of Henry's accession.

NOTWITHSTANDING the assiduous endeavours of Stephen, after the pacification of Winchester, to restore peace to England, the troubles of the nation were rather quieted than suppressed at the time of his death. The miseries from which she had just recovered, rendered even a deceitful tranquility so agreeable, that men of all parties and professions strove who should outdo each other in their demonstrations of affection for duke Henry. He, therefore, came to the crown with the two greatest advantages which can happen to any prince, I mean, an undisputed title, and a high reputation. Henry was busy, settling his affairs, in Normandy, when he received the news of Stephen's death. Either through security or affectation of it, or, as our authors will have it, being detained by contrary winds, he delayed setting out for England not only till he took the town he was besieging, but till he had settled his affairs in Normandy. Thus it was the seventh of December before he arrived from Harfleur at Hoftreham in England, where he was received with prodigious applause by the English of all ranks. His easy and quiet accession to the crown, during the life of the earl of Warren, son of Stephen, is a solid proof of the unanimity of the people with regard to his right; especially as, during a

le arrives in England.

regency, or rather interregnum, of almost six months, we hear of no commotions in England. After his landing, he first went to Winchester, where he received the homage of his noblemen. From thence he went with a splendid retinue to London, where, on the nineteenth of December, 1154, he was crowned, together with his queen, Eleanor, by the hands of Theobald archbishop of Canterbury, at Westminster. After his coronation, he retired to the abbey of Bermondsey, with an intention, as he pretended, to keep his Christmas; but, in reality, to lay the foundation of solid and happy peace to his government, judging its tranquility to be as yet deceitful.

A. D. 1155.

Having now got faithful counsellors about his person, three things came principally under his consideration, which, if effected, promised fairest for bringing about that desirable end. The first was, the clearing of England from the prodigious swarms of foreign mercenaries, Flemings especially, introduced by the late king, and rewarded for their faithful services to him by many fair estates and possessions throughout the kingdom. At the head of these was William de Ipres, an able and successful general. Henry wisely thought, that such a body of men in the heart of his kingdom, and looking on themselves as a distinct nation from

The subjects of his first de-liberations.

(1) Castella per singulas provincias studio partium crebro surrexerunt; erantque in Anglia quodammodo tot reges, vel potius tyranni, quot domini castellorum, habentes singuli percussuram proprii numismatis, et potestatem subditis regis moro dicendi juris.

(2) Tempore regis Stephani (as I read it in John of Salisbury's Polycraticon) a regno jussu sunt leges Romanæ, quas in Britanniam domus venerabilis patris Theobaldi, Britanniarum primatis audiverat; ne quis libro etiam retineret edicto regis prohibitum est. Selden.

Remarkable occurrences in the reign of king Stephen.

On the very day that he landed in England, to put in for the crown, as an omen of his troublesome reign, there happened a mighty tempest of thunder (horrible to hear) and terrible blasts of lightning; which falling out in the winter season, were the more taken notice of.

In the twelfth year of his reign, the Jews at Norwich crucified a Christian child.

In his fourteenth year, there fell so much rain in the summer season, that it spoiled the corn, and a famine followed it. On the ninth of December it began to freeze, and the frost held till the ninth of February; in which time the passage over the Thames, for man and horse, was on the ice. In this reign there were built no fewer than 1115 castles, which were to be demolished by the articles of king Stephen's treaty with duke Henry, son to Maud the empress. Hol.

William of Malmesbury writes, that, about the year 1140, the money of the nation was so bad, that scarce one shilling in ten was good. In the same year, on the twenty-first of March, early in the morning, there was so great an eclipse of the sun, that men were forced to light candles to eat their meat by; and the above-mentioned author adds, those who sat at the table where he was, feared the return of the ancient chaos, for several stars were perceived near the sun.

the

A. D. 1155. the English, might be dangerous to his government; especially when the son of their great patron and benefactor Stephen, was now, next the king of the Scots, the first subject of England. Henry's second consideration was, the demolition of the remaining castles, which were still held of lords, with pretended independence of the royal authority.

Nature of the castles built in England.

To give the reader a clear view of the necessity as well as justice of this measure, it may be proper to observe, that those castles were of two sorts, either those built by the crown upon its own demesne lands, or those built by virtue of Stephen's indulgence, by persons not vested with property sufficient to qualify them. Of the former, many had been made governors by the crown, who afterwards refused to resign their command, and asserted it as a matter of right. Of the latter, so many still remained as to be formidable to any government, not only in time of war, but peace; their masters generally living upon and encouraging rapine, and still finding within themselves sure refuge and protection. Henry's last consideration was, an act of resumption. Stephen's bounty to those who had supported his title was such, as weakened that property which is necessary for a king of England, to secure the balance of government. His having recourse to subsidies, at that time but little known in England, was wielding an oppressive and ungrateful scepter, while the crown was rightfully possessed of demesnes and revenues more than sufficient for all the purposes of virtuous government.

He consults the archbishop of Canterbury about the ministry.

Theobald archbishop of Canterbury was the person to whom, of all Englishmen, Henry owed the most; he, therefore, consulted that prelate about the settlement of his new ministry. As Theobald himself did not affect business, he recommended to him, for his first minister, Thomas of London, archdeacon of Canterbury, the same clergyman who had been before so serviceable to him at the court of Rome. This person, who is to make a considerable figure in the following history, was made the king's chancellor. The nature of this office was to be superior of the king's chancery and his chapels; he was to supervise all charters which were to be sealed with the king's great seal, together with all writs and precepts that issued in proceedings depending in the king's court and the exchequer; in short, he was constitutionally the first minister of the kingdom. It was with him and other English noblemen that Henry held this great consultation at Bermondsey. As to the first point, the result was, that a proclamation should be industriously published, requiring all foreigners, by a prefixed day, to leave the kingdom. As to the second, it was thought proper for the king, for some time, to delay his intentions, from this wise consideration, that those who held castles, if they should suspect the intentions of the government, might enter into a concert with, and take under their protection, those foreign mercenaries, who would thereby be encouraged not to leave the kingdom. As to the third, it was

Nature of the office of chancellor.

The result of his councils.

a matter proper to be debated in the great council. A. D. 1155.

The royal edict being published for the withdrawing all foreigners, was seasonable, because by them unexpected; and had so good an effect, that they all withdrew by the appointed time, under the conduct of William de Ipres. Foreigners expelled.

The success of this firm measure gave much weight and credit to the new government, and the king now went on in his great work. Upon the proper requisitions, all the disqualified governors, or holders of castles in the south of England, either resigned or demolished them; but as to those built on the demesne lands, they being in possession of some of the great barons, it was thought proper for some time to connive. Mean while, the king found that his own presence was absolutely necessary for succeeding as well in the north and west, as he had in the south; he therefore prepared to set out to reduce such as still proved refractory. William Peverel, the same who had poisoned the earl of Chester, alarmed at the king's resolution, fled, through consciousness of guilt, into an abbey, where he was shaven, and professed monk; upon which the king seized Nottingham, and all his large possessions. From thence Henry marched to York, where he held a great court, to which he summoned William earl of Albemarle, and other noblemen in the north, who obeyed, but with reluctance; they having, by this time, almost forgot they had a superior in England. Henry now, however, entered into a strict inquisition into what they had usurped from the crown, and, among others, obliged the earl of Albemarle to give up into his hands the castle of Scarborough, which, on the top of a rock, was wonderfully situated, both for strength and conveniency: by which vigorous measures the peace of the north was secured. Abuse of building castles enquired into.

It was easy for the noblemen in the south to foresee, that they must soon meet with the same treatment; accordingly, before Henry returned from the north, they began to cabal together, and to lay a plan for a general rebellion. At the head of those, was Hugh de Mortimer, a nobleman of great figure, who wrought so much upon the earl of Hereford, son to Milo, who had so generously espoused the cause of the empress, that they agreed to defend themselves to the last extremity. It is more than probable, that England would have been again exposed to the miseries of war, had Henry, as a prince of less understanding would have done, immediately gone about to have reduced them by his own arms and prerogative: but he disappointed their expectations, by summoning a great council (I am inclined to believe) at Wallingford, where the affair of resumptions came under consideration. As, as I have before observed, no domestic faction can shake the throne of an English king, acting by the advice of his parliament, the schemes of the conspirators were entirely disconcerted by this wise measure of Henry. A day being set, on which they

A conspiracy entered into among the barons.

A. D. 1155. they were to exhibit their rights to several possessions, the earl of Hereford fled to Gloucester, and Mortimer to Bridgenorth. As the former, besides Gloucester, held the castle of Hereford, and the latter those of Bridgenorth, Coleburgh, and Wigmore, all of them very strong places, they made a shew of defending themselves to the last extremity. But the earl of Hereford was so effectually wrought upon by Gilbert Folyot, his cousin and bishop of Hereford, that he delivered up his castles to the king, and was received into royal favour. Mortimer was now left alone, and had all his three castles at once assaulted by three divisions of Henry's forces. It was not long before he was obliged to surrender them all, and to throw himself on the king's mercy, who, unwilling to enter upon sanguinary measures at the beginning of his reign, pardoned him.

The earl of Hereford submits;

as Mortimer is obliged to do.

It does not appear that the earl of Surrey was, in the least, accessory to those commotions; but he was too powerful a subject; and Henry resolved to make use of the present happy situation of his affairs, to reduce him. It must be owned, this measure was not quite agreeable to the principles of justice or generosity; but Henry, to give the better colour to his proceedings, went upon the equity and necessity of resuming whatever had been lavishly alienated from the crown by Stephen, who, he pretended, had no power to dispose of its revenues: he therefore fell upon a distinction which answered his purpose. He left the earl in possession of all that had fallen to him by marriage, or in the private right of his father; but resumed whatever the latter had, for his use, alienated from the crown of England. Though those, as well as the former, had been expressly stipulated to him, by the agreement between his father and Henry, yet he saw himself now stripped of the castle of Norwich, the castle of Pennefel, and of all the possessions he enjoyed by the royal gift of Stephen.

A general council held.

In this great council or parliament, which was held at Easter, Henry exacted an oath of fealty to his son William, an infant; and, in case of his death, to Henry, a child born in March that same year. Henry, all this time, politically forbore to bring any of the bishops into the question of resumptions; but he was too well acquainted with the pragmatical spirit of the bishop of Winchester, not to endeavour to humble him. That prelate, at this time, afforded him a fair handle; for, seeing the prosperous state of Henry's affairs, and expecting to have his own exorbitant power circumscribed, he privately sent out of England all his immense riches, and soon after followed them in person, without even acquainting the king. This gave Henry a plausible pretext for seizing three of his chief castles, which he immediately did, without incurring any envy from the clergy.

It was about this time that Henry, to take from his people all suspicion, passed a charter of liberties, which has come to our hands, and is to the following purpose:

Henry, by the grace of God, king of England, duke of Normandy and Aquitaine, earl of Anjou; to all his barons and faithful subjects, French and English, greeting.

A. D. 1155. Henry's charter of liberties.

" Know ye, that, for the honour of God and holy church, and for the common emendation of my kingdom, I have granted and restored, and do by these presents confirm to God and holy church, and to all earls and barons, and all my tenants, all customs which king Henry, my grandfather, gave and granted to them. Likewise, all those evil customs which he abrogated and remitted, I do also abrogate and remit for me and my heirs. Wherefore I will and command, that holy church, and all my tenants may have and hold those dominions, liberties, and customs, freely, quietly, and fully, in all points, as king Henry, my grandfather, gave and granted to them, and confirmed by his charter."

Richard de Lucy witness.

This charter, and other acts of popularity, together with a well-timed severity against all oppression and injustice, endeared Henry so much to the people of England, that he found himself in perfect tranquility. But his active mind began now to plan new conquests, and his ambition pointed his eye to that of Ireland. Adrian IV. then filled the papal chair: he is said to have been an Englishman by birth; and, as his friendship was a material consideration to Henry, in his pursuit of the acquisition he was now meditating, he resolved, if possible, to gain him to his interest. An embassy was accordingly ordered to Rome, with John bishop of Salisbury at its head. He was charged to perform all the usual forms of congratulation and compliments, upon the accession of his holiness; and then to petition him for a bull, giving the king power, by his authority and assent, to reduce Ireland to his obedience, for the propagation of the Christian religion, the correcting of the evil manners of the inhabitants, and the increase of virtue among them. This commission was attended by a very insinuating letter from Henry himself, in which he artfully flatters him with regard to the favourite measure of the papal chair in those days, I mean, the recovery of the Holy Land. All this had such an effect upon the pope, who no doubt was pleased to see his own natural prince become his suitor, that he sent him a bull, part of which, as it was the foundation of that important conquest, I shall here insert.

He meditates the conquest of Ireland.

Adrian, bishop, servant of the servants of God, to his most dear son in Christ, the noble king of England, sends greeting, and apostolical benediction.

The pope's bull for that effect.

" Your magnificence has been very careful to enlarge the church of God here on earth, and increase the number of the blessed in heaven. To this purpose, as a good

A. D. 1155. " a good catholic king, you project the in-
 " struction of ignorant people, the civilizing
 " the barbarous, and the reformation of the
 " licentious and immoral; and, to execute
 " this design with more effect and advan-
 " tage, you have applied for countenance
 " and direction to the holy see. We hope,
 " therefore, by the blessing of God, the suc-
 " cess will answer the regularity of the un-
 " dertaking. You have advertised us, dear
 " son, of your design of an expedition into
 " Ireland, to subdue the ignorance of that
 " nation, and make them better Christians;
 " and also to pay out of every house a year-
 " ly acknowledgment of one penny to St.
 " Peter; and that you will maintain the
 " rights of those churches, without the least
 " detriment or diminution. We, therefore,
 " being willing to assist you in this your
 " pious and commendable design, remit
 " you entirely to your own inclination, and
 " grant you full liberty to make a descent
 " upon that island, in order to enlarge the
 " borders of the church, to check the pro-
 " gress of immorality, to improve the na-
 " tives in virtue, and promote their spiritual
 " happiness. And here we leave you to
 " the conduct of your own wisdom, charg-
 " ing the people of the country to submit
 " to your jurisdiction, and receive you as
 " their sovereign lord. Provided always
 " that the rights of the church are inviolably
 " preserved, and the Peter-pence duly paid.
 " For indeed it is certain, that all the
 " islands which are enlightened by Christ,
 " the son of righteousness, and have sub-
 " mitted to the doctrines of Christianity,
 " are unquestionably St. Peter's right, and
 " belong to the jurisdiction of the holy
 " Roman church (1)."

The expedi-
 tion into Ire-
 land post-
 poned.

Some historians inform us, that this expe-
 dition into Ireland was postponed, because
 the empress Maud, who was now in Eng-
 land, disapproved of it; a circumstance little
 agreeing with her ambitious character. A
 truer reason may be assigned, from the yet
 unsettled state of Henry's government, and
 his politically feeling how the Irish them-
 selves were affected to this revolution; for
 we are told, that the bull was carried over
 into Ireland, and publicly read by the bishop
 of Salisbury, in a synod at Waterford; and a
 ring, at the same time, was produced by that
 prelate, sent to Henry by the pope, as an

evidence of investiture. But let us now re-
 turn to Henry.

This prince did not, as some of his an-
 cestors, consider England only as an acqui-
 sition to Normandy; but as the seat of his
 majesty, and source of his power. At the
 same time, his ambition not only suffered
 him to give up nothing he possessed upon
 the continent, but prompted him to take
 every opportunity of enlarging his domi-
 nions. The kings of France were at that
 time possessed of little more than the de-
 mesne lands belonging to the family of Ca-
 pet; but they were lords paramount of great
 fees. Henry possessed, in France, a larger
 revenue and territory than the kings of
 France themselves; but the balance which
 it was necessary always to keep up among
 the great feodatories, strengthened the crown
 of France, with such accessions of power
 from one or more of those feodatories, that
 it was generally superior to any one among
 them in the field. Another view of ambi-
 tion greatly contributed towards inducing the
 great peers to strengthen that crown; which
 was, the power which the king always had
 of gratifying them, by giving them the for-
 feiture of that prince's lands who had the
 misfortune of being unsuccessful against them
 in the field. Had it not been for those
 considerations, Henry, perhaps, would not,
 so early in his reign, have repaired to his
 French dominions; but he knew how dan-
 gerous it would be to give that crown the
 least handle against him, and therefore, in
 January, 1156, he went over to Normandy,
 where he did homage to Lewis king of
 France for his possessions there. During his
 stay at Roan, he had an interview with
 Theodric earl of Flanders and his wife.
 Their business was to make up matters be-
 tween Henry and his brother Geoffrey, who
 began to be again very uneasy about the earl-
 doms of Anjou, Touraine, and Maine, left
 him, as we have before observed, by his
 father. His pretences were, that, when his
 father made his will, his meaning was, that
 as soon as Henry should be possessed of Nor-
 mandy and England, of which, at the time
 when the will was made, he had but a very
 distant prospect, it was his intention that he,
 Geoffrey, should enjoy the three last named
 earldoms; and that now, when Henry was
 in possession of the crown of England, be-
 sides the duchy of Normandy, which, by

A. D. 1156.
 Character of
 Henry's go-
 vernment.

The strength
 and weakness
 of the French
 government
 at this time.

Henry goes
 over to Nor-
 mandy.

His differences
 renew with
 his brother.

(1) Adrianus episcopus servus servorum Dei, charissimo in Christo filio, illustri Anglorum regi salutem, et apostolicam benedictionem. Laudabiliter et satis fructuose de glorioso nomine tuo propagando in terris, et eternæ felicitatis præmio cumulando in cælis tua magnificentia cogitat, dum ad dilatandos ecclesiæ terminos, ad declarandum indoctis et rudibus populis Christianæ fidei veritatem, et vitiorum plantaria de agro dominico extirpanda, sicut catholicus princeps intendis, et ad id convenientius exequendum, consilium sedis apostolicæ exis et favorem. In quo facto, quanto altiori consilio et majori discretionem procedis, tanto in eo feliciter progressum te, parante domino, confidimus habiturum significasti siquidem nobis, fili in Christo charissime, te Hyberniam insulam, ad subdendum populum legibus Christianis, et vitiorum inde plantaria extirpanda velle intrare, et de singulis domibus, annuam unius denarii beato Petro velle solvere pensionem, ita et jura ecclesiarum illius terræ illibata et integra conservare. Nos autem pium et laudibile desiderium tuum favore congruo prosequentes, et petitioni tuæ benignum impendentes assensum, gratum et acceptum habemus, ut pro dilatandis ecclesiæ terminis, vitiorum restringendo discursu, pro corrigendis moribus et virtutibus inferendis, pro Christianæ religionis augmento, insulam illam ingrediaris, et quæ ad honorem Dei et salutem illius terræ spectaverint, exequaris: et illius terræ populus te recipiat, et sicut dominum veneretur, jure ecclesiarum illibato et integro permanente, et salva beato Petro de singulis domibus, annua unius denarii pensione. Sane omnes insulas, quibus sol justitiæ Christus illuxit et quæ documenta fidei Christianæ susceperunt, ad jus sancti Petri, et sacrosanctæ Romanæ ecclesiæ (quod tua etiam nobilitas recognoscit) non est dubium pertinere. Si ergo quod animo concepisti effectu duxeris prosequente complendum, stude gentem illam bonis moribus informare, et agas tam per te, quam per illos, quos ad hoc, fide, verbo et vita idoneos esse, perspexeris, ut decoretur ibi ecclesia, plantetur et crescat fidei Christianæ religio, et quæ ad honorem Dei et salutem pertinent animarum, taliter ordinentur; ut et a Deo sempiternæ mercedis cumulū consequi merearis, et in terris gloriosum nomen valeas in seculis obtinere. Matt. Par.

A. D. 1156. his mother's resignation, had fallen to him, the reason was still more strong why he should resign the three earldoms to Geoffrey. All this was laid before Henry, who excused himself by alledging, that the estates in dispute could not be alienated from primogeniture, and that therefore the destination was of itself void. The ready answer to this was, that he had sworn to the performance of that will; but Henry found an evasion for this, by applying to his friend the pope, who, without any difficulty, gave him a dispensation, absolving him from all his engagements. Henry, now considering himself as unfettered by his oath, acted towards his brother without any reserve. For Geoffrey, soon after the arrival of the earl of Flanders and his wife, had a personal conference with Henry; but the terms offered him by the latter were so unsatisfying, that he left him with a resolution of attempting to make good his father's will.

Henry gets a dispensation from the pope to absolve him from his oath to keep his father's will.

The state of his affairs in Normandy.

Henry was sensible that even his own power gave his brother great advantages, and that the Anjouins would much rather chuse to be governed by an earl of their own, than to become an accession to the power of a prince who seldom or never would reside among them, and who they knew would drain them for supporting his ambition in all quarters. He no sooner, therefore, parted with his brother, than he went over to settle some affairs in England; but instantly returned to France. By this time the Anjouins had declared for his brother Geoffrey, and, for obvious reasons, he was supported by the court of France. It appears, that Geoffrey had been left, by his father, the towns and castles of Chinon, Mirabel, and Lofdun, and that Henry offered to leave him in possession of those; he was therefore, perhaps, not at all displeased that his brother, by breaking the agreement he had made in Stephen's life-time, had given him a plausible pretext for reannexing to his patrimony those castles and towns. In this he was encouraged by the advice and instigation of his first minister, Thomas Becket, who counselled him, on his return, to seize those places. Accordingly he advanced into Anjou, before his brother could be supplied time enough, by the court of France, to resist him, and both recovered the earldom, and forced his brother to abandon the castles in question. At last, Geoffrey was obliged to be contented with a pension of one thousand pounds English money, and two thousand pounds Anjouin, which amounted to about five hundred pounds more. Henry seems to have passed several months of this year in France, where he settled his new-recovered dominions, and then returned to England about autumn.

Henry seizes all his brother's patrimony,

and forces him to accept of peace.

Henry returns to England,

where he invades Wales.

Here he met with unexpected employment; for the Welsh, unterrified by Henry's success in other quarters, had made many bloody invasions into the English territories. Cadwallader, brother to Owen, a Welsh prince, having been, about this time, expelled Wales, applied to Henry for protection, and encouraged him to revenge the

Welsh insults, by invading their country. Upon this, Henry, who was incessantly scheming for the advancement of his own power, marched down, at the head of a strong army, to Westchester, where he had intelligence that Owen was come as far as Basingweark to meet him. Upon this, Henry resolved to attack the Welsh prince, and advanced, at the head of a detachment, consisting of the flower of his army, to give him battle. He was opposed by David and Conan, who surprized him in his march through a wood, called Coed eulo, where the English were pent up on all hands by eminences possessed by the Welsh, who killed great numbers of them. Their panic, upon this, was so great, that Henry de Essex, hereditary standard-bearer to the king, let the royal standard drop from his hands. This instantly occasioned a rumour of the king's death, and the army was on the point of falling into a total rout; but Henry, who was in the rear, rode up, and acted with so much vigour, that his forces rallied, and he brought them off with great honour, though with great loss. The chief of the English who were killed that day, were Eustace Fitz-john and Robert Curcie, two considerable barons.

A. D. 1156.

Henry in great danger of losing his army.

This action rendered him the more cautious how he proceeded against a people who knew how to make the best advantage of their situation, and who had of late so often baffled the English arms. Despairing, therefore, to force his way through passes guarded by such an army, he attempted to march between Owen and the sea-shore into the heart of Wales; but that vigilant prince got a march upon him, and again posted himself so advantageously, that the king was obliged to retreat to Rutland castle. It appears as if this disappointment had been unexpected to Henry; for he had sent his fleet about, under the command of one Madoc ap Meredyth, prince of Powisland, that they might supply his army, as they coasted along, with provisions. Madoc having waited in vain, resolved to do something of note. Accordingly he landed in the isle of Anglesey, which he attempted to plunder and subdue; but the inhabitants, used to the like visits, were upon their guard, and cut in pieces all the invaders who had set foot on land. These disappointments disposed Henry to peace, which was accordingly concluded between him and Owen, upon condition that the latter should pay his accustomed tribute, and restore his brother to his estate. Thus Henry found means to patch up his honour, after an inglorious expedition. When the peace was concluded, he founded a house for knights templars (an order which at that time was in great request in Europe) at Basingweark, which, together with the castle of Rutland, he reformed, to bridle the Welsh, and then returned to England.

Henry is baffled by the Welsh prince.

Anglesey invaded by his fleet.

It was at this time that Henry de Essex, for his pusillanimous conduct in the late encounter with the Welsh, was accused of treason and cowardice by Robert de Montfort. As the fact was notorious, the accused had

A. D. 1156. Henry de Essex tried and defeated. had no other defence than to take the benefit of single duel. Being vanquished, though his life became a forfeit to the law, yet the king spared it, and ordered him to be shorn a monk, and to be shut up in a monastery, while all his great estate fell to the crown.

Henry demands Northumberland from the king of the Scots. In pursuance of Henry's scheme of resumption, he now demanded, from Malcolm king of the Scots, surnamed the Maiden, the son of the brave prince Henry, and grandson to David, restitution of the counties of Northumberland and Cumberland. Though the Scotch writers have exclaimed grossly against Henry, for his ingratitude for this resumption; yet it is plain that the Scotch met with no harder measure than many of the English noblemen. It is true, the county of Northumberland had been granted to Henry prince of Scotland by Stephen, and I believe it was afterwards confirmed by the empress; but then we are to consider, that this was done in time of great public distractions, and by a power which Henry could not allow to be legal. As to the confirmation by the empress, this might easily be supposed to have been extorted from her by the necessities of her situation, and the fear she was under of disobliging the king of the Scots, to whom she owed so much. It is evident at the same time, that, when Stephen came to the crown, David was not considered, by the English, as either the lawful or actual possessor of Northumberland. The Scots have endeavoured to evade this, but in vain; since the words of unquestionable authors, living at that time upon the spot, leave no manner of doubt of its belonging to the English government at the time of Henry I's death. As to Cumberland, the point is not so clear, since we find, by excerpts from the register of the archbishop of Glasgow, that David possessed it during the reign of his brother Alexander; and this I am apt to believe he did, as its being a feof devolving of

course on the next heir to the crown of Scotland. With regard to the earldoms of Huntingdon and Northampton, with the other possessions of the king of Scots, these fell to him in right of Judith, wife to the earl of Northumberland, and mother to David's queen. Thus, notwithstanding the confusion of the Scotch writers, it appears, that their princes possessed their English estates by very different rights. As to the county of Cumberland, with the earldoms of Huntingdon and Northampton, the right to them seems to have been extremely clear; but, with regard to Northumberland, I am apt to believe their possession of it was little better than usurpation; since it is plain the person, in whose right they claimed it, died as a traitor, and, consequently, his estate escheated to the crown. It must be owned, at the same time, that Henry was under great ties of gratitude to David, and that, perhaps, had it not been for him, he never would have worn the crown of England; add to this, that, by his own oath, he had confirmed to the Scot the possession of his English estates.

Malcolm, king of the Scots at this time, was a simple prince, with little to recommend him, besides that personal valour which was hereditary in the blood of Fergus. Though he was little inferior to Henry himself in power within the island, yet he declined all disputes both in the cabinet and the field; he, therefore, upon the first summons, made an appointment with Henry, that they might compromise matters in an amicable manner. Their interview was held at Chester, where Malcolm resigned to Henry the counties of Northumberland and Cumberland; but was suffered to retain the earldom of Huntingdon, upon his taking an oath, and doing homage to Henry, after the same manner his grandfather had done before to Henry I, and that with a salvo to all his royal deputies. I have, in the notes (1), set down the reflections

Character of Malcolm.

He resigns his possessions.

Dalrymple's collections.

(1) King Stephen was, as he called him, an usurper; and, to prevent usurpations to come, it may perhaps be thought politic, nay just, in a lawful prince, to cancel and undo the deeds of the latest intruder. But if he himself had a legal title, he certainly had it in the right of his grandfather king Henry I, and of his mother the empress Matilda. Now it is certain, that this prince was, by king Henry I. of England, acknowledged earl of Northumberland and Huntingdon, in right of his wife; and prince of Cumberland and Westmorland, by inheritance from the house of Scotland: and that, when dispossessed of most of these countries by the injustice of king Stephen, he regained them by force of arms, and got them confirmed to his son prince Henry, by a solemn treaty concluded at Durham, on the 9th of April, in the year 1139. Nay, it is owned by the English, that not only the empress Matilda did all she could to ascertain the possession of those territories to the royal family of Scotland; but also, that her son king Henry himself, when knighted by his grand-uncle and eminent benefactor king David, did publicly swear, that if ever he came to ascend the throne of England (and he had never ascended it, but for the assistance afforded him by the king of Scots) he would give David Newcastle and all Northumberland; and that he and his heirs should, for ever, possess all the lands from Tweed to Tyne, peaceably, without any molestation. This oath, so just, so necessary, and so solemn, he was never dispensed with, as he had been with some others, upon very lame pretences by the English pope; yet he kept it no better than these; and the only reason he gave (indeed he could not find out another) for his signal ingratitude and breach of faith, was, that he could not find in his heart to part with so large a share of his dominions. Malcolm, by reason of his admired continency and celibacy, surnamed the Maiden, then reigned in Scotland, a youth of about fifteen years of age. He had been brought up in the school of virtue by his grandfather and father, king David and prince Henry; and indeed he was too virtuous, I mean, too easy and too good, for a king. His youth and bounty gave occasion to some disturbances in the very beginning of his reign: for Somerled, thane of Argyle, (one, whose fortune was greater than his birth, though noble, and his mind above his fortune) laid hold of the opportunity, to enrich or raise his family. He set himself upon the head of a turbulent multitude of robbers, and was seconded in the attempt by Donald the son of Malcolm Macbeth, who had revolted, and made a considerable bustle in the foregoing reign; but Donald was apprehended at Whithorn, and committed to the same prison with his father. In the mean time, the renowned Gilchrist, earl of Angus, was sent with an army against Somerled, whom he defeated, and forced to make his escape into Ireland. This victory, thus unexpectedly obtained, produced tranquility at home, but envy abroad. King Henry of England took an early resolution to crush the budding greatness and reputation of Malcolm. The oath he had taken to his grandfather, and the gratitude he owed to his family, were known to the world, and he wanted a colourable pretence for an open breach; he therefore industriously sought for opportunities of trying his patience, and of affronting his person. With this view, he first inroached upon the rights of one of his subjects, the bishop of Glasgow; and then invited himself to a friendly meeting at Chester, where he prevailed upon his easy temper so far, as to make him take an oath of fidelity to him; whereas (says Buchanan, with a great deal of reason) his brothers, who had lands in England, and not the king himself, were, by former articles of agreement, to take that oath. However, he took it for his brothers, and (says Mr. Tyrrel) did him homage after the same manner as his grandfather had done before to king Henry I, with a salvo to all his royal dignities; by which clause, it seems (he should have said, 'tis plain) that the homage was not for the whole kingdom of Scotland, but

A.D. 1158. flections of one of the most tolerable of the Scotch writers upon this transaction.

Prince Richard born.

The king crowned at Lincoln.

Young Geoffrey Plantagenet chosen earl of Nantes.

Upon what occasion.

Geoffrey's death. Difference between Henry and the duke of Brittany.

Henry's happiness was this year increased by the birth of a son at Oxford, who afterwards succeeded him by the name of Richard. In the beginning of the year 1158, Henry set out on a progress throughout his kingdom; and, when he came to Lincoln, he was weak enough to suffer himself to be crowned in the suburbs of that city, in compliance with that superstition which Stephen had so manfully despised. At the same time, we are not too lightly to condemn him for this compliance, if we consider the apprehensions of the common people, and how necessary a conduct of this kind is sometimes, from the greatest of kings, and upon the most unreasonable of occasions.

Geoffrey, the brother of Henry, was now chosen earl of Nantes by the inhabitants of that city, upon the following occasion: Hoel, the son of Conan the Great, duke of Brittany, was disinherited and disowned by his father. Birtha, sister to Hoel, was married to Eudo earl of Pontiver, and had a son named Conan. During the minority of this son, the grandfather, Conan the Great, died; upon which Eudo, in right of his wife, and as guardian to his son, seized the duchy of Brittany, leaving Hoel, the disinherited son, only the city of Nantes for his subsistence. Within four years Birtha died; upon which her husband Eudo assumed the title of duke of Brittany, and entered in possession of the duchy. When Conan the Less, who was his son, grew up, he put in his claim both for the estate and title; and, after a long dispute, not only expelled his father, but attempted to re-annex Nantes, which was still possessed by Hoel, to his duchy. The inhabitants of that city, neither chusing to come again under the dominion of the duke of Brittany, nor to be longer governed by Hoel, who was a worthless prince, expelled the latter, and put themselves under the protection of young Geoffrey Plantagenet, whom they declared to be their lord. This revolution made Geoffrey some amends for his brother's severity; but Henry had now an account of his death. Upon this, Conan duke of Brittany, claimed and seized the city of Nantes. The king, thereupon, sequestered the earldom of Richmond, belonging to the duke of Brittany, and reclaimed Nantes, as being heir to his brother Geof-

frey. Henry, at the same time, went over to Normandy to preserve his right, and to negotiate another matter of the utmost importance; it was with Lewis king of France, a prince, like the Scotch Malcolm, of simple dispositions. Henry's eldest son, and Margaret, daughter to the king of France, were yet infants; the former only about five years of age, and the latter only of as many months. But political reasons prompted Henry to undertake a voyage to Paris, and to propose a marriage between his son and the princess of France. This contract, notwithstanding its absurdity, was agreed to by Lewis; and, through the artful management of Henry's minister, Thomas Becket, Lewis was weak enough to give Henry a commission for entering Brittany, and taking it into his own possession. As that duchy held of Henry, as duke of Normandy, it is plain that this commission was procured only with a view to keep the great vassals depending on the crown of France neutral in the quarrel. Henry, after this, had the affianced princess delivered into his hands; and, after taking leave of the French court, he returned to Normandy to prosecute his war with the duke of Brittany. The event was, that the city of Nantes fell into his hands; but the jealousy of the French court prevented him from taking advantage of the intestine divisions of Brittany, to push his conquests there. As his power, however, was great, he might have surmounted all difficulties, had not Conan entered into a negotiation with him, which promised to secure in Henry's family the quiet possession of all Brittany: for a marriage was resolved upon between Constance, the daughter and heiress of Conan, and Geoffrey, third son to Henry. This marriage, five years after, took place upon Conan's death; and Geoffrey, young as he was, became duke of Brittany.

A.D. 1158.

Marriage between Henry's eldest son and the eldest princess of France.

Henry conquers Nantes.

A marriage between prince Geoffrey of England and Constance of Brittany.

Interview between Henry and Lewis,

Before Henry left France, Lewis made a pilgrimage to St. Michael's mount in Normandy. The pilgrimage being over, he was nobly received and entertained by Henry, with the same ceremonies which had been observed towards himself in Paris. Lewis then departed, highly pleased with the politeness, and surprized at the magnificence, of his brother of England.

We find Henry soon after this in England, and taking a journey to the north, in

but only for Lothian (why for Lothian, I do not see) and those lands which were anciently held of the kings of England. To be sure, he means those lands the Scotch kings were anciently possessed of in the kingdom of England: for, as Sir Thomas Craig judiciously observes, the kings of Scotland had no other dignities but Scotland, which being preserved entire and independant in this homage, with a retrospect to the homage paid to king Henry I, it follows, that the homage formerly paid by the Scotch kings to Athelstan, William the Conqueror, Henry I, &c. was with a salvo to the royal authority; else king Henry I. (a great king, if ever there was any such) was evidently over-matched and outwitted by his contemporaries, Alexander and David, kings of Scotland; and this Henry II. (a greater, if a greater could be) by king Malcolm, a boy. This is what, I humbly conceive, no Englishman will believe; and thence I conclude, that, hitherto, no king of England did ever pretend to a superiority over the kings of Scotland, as kings of Scotland. King Malcolm then did, on this occasion, nothing that was derogatory to his royal dignity; nevertheless, his subjects were highly dissatisfied with the step he had made, for what reason I cannot tell; perhaps they grudged that he should have paid homage, even for his, or rather his brother's, English territories. But what the English authors say, is more probable; they tell us, that, at this meeting, king Henry (contrary to his own oath, and the grants of his ancestors, which I have shewn to have been founded upon justice, conquest, and gratitude) forced king Malcolm to surrender into his hands the counties of Cumberland and Northumberland, together with the towns of Carlisle, Newcastle upon Tyne, and the strong castle of Babenborough; and permitted him to retain nothing in England but the earldom of Huntingdon, which lying almost in the midst of the kingdom, the king of the Scots could draw no other advantage from it, than what its bare revenues afforded. That the Scots were dissatisfied with such a surrender, is not at all to be wondered at, but rather that they broke not out into open rebellion; but they were then sincerely loyal, and would not be criminal, because their king was young and simple; they therefore put up the affront, and patiently suffered the diminution of their power. Abercromby's Hist. of Scotland.

A.D. 1159.
and between
Henry and
Malcolm.

order to have an interview with the king of the Scots at Carlisle. I am inclined to believe; that this interview was sought by Henry; that he might engage Malcolm to assist him in what he was now meditating. But that prince had found his subjects highly exasperated at the concessions he had already granted; the negotiation therefore proved ineffectual, and the two princes took leave of each other on very indifferent terms. Part of this year was employed by Henry in the re-coinage of the money, which was now greatly debased; and, about December, he and his queen went over to Normandy, where they kept their Christmas at Falaise. It probably was at this time, that the earls of Blois and Perche resigned to Henry all the towns and castles which were in their hands, belonging to the duchy of Normandy; while Henry invested the earl of Perche in the castle of Bellesme.

Trivet's annals.

Henry crowned at Worcester.

Upon Henry's return to England, he took a progress as far as the city of Worcester, together with his queen. There, after being solemnly crowned, they came to the oblation, and offered their crowns at the high altar, with a vow, never again to wear them. But this, contrary to the sense of most of our historians, I conceive only to have been meant of the crowns so offered, there being no reason to think that Henry again never wore a crown.

His pretensions upon Tholouse.

But Henry now meditated to carry into execution his great project of conquering the city of Tholouse, with all its dependencies. This city and territory were claimed by him in right of his wife Eleanor. That lady was daughter to William duke of Aquitaine, whose father was the earl of Poictou, the same who intended to mortgage his estates to William Rufus. The death of William preventing the bargain from being carried into execution, and the earl not being able to find another prince to advance the money he stood in need of, was obliged to mortgage the city and territories of Tholouse, for a large sum, to his brother Raymond earl of St. Giles. This mortgage remained undischarged at the time of Eleanor's marriage with the king of France, and that king prepared to force the mortgage lands from Raymond, the grandson to that Raymond to whom they were consigned. A composition, however, was made, between the king of France and Raymond, who, after paying a sum of money, married the widow of Eustace, son to Stephen; and, by way of portion with her, he was permitted quietly to enjoy this city and territory. But Henry having married Eleanor, all her right devolving upon him, he resolved to cancel this agreement, and to reannex the territories in dispute to his wife's duchy. As, to succeed in this, he must penetrate to the southernmost parts of France, where he was to find himself surrounded by powerful enemies, he made prodigious preparations for succeeding. The first step was, to order a general meeting of all his great military tenants, both in France and England; which being performed, he took a list of all his knights fees,

Account of fines and escuages.

and then discharged them. He next imposed upon every one of his knights fees in France sixty Anjouin shillings, which was about fifteen shillings English; and raised a vast sum upon the English, both by way of fine and escuage. This fine was termed a *Fine ne transfretent*, that is, That they might not go over the sea; or *pro remanendo ab exercitu*, that is, for staying away from the army; or else, *quia non abierunt cum rege*, that is, because they did not go away with the king; and was different from an escuage, which was a settled sum; whereas the fine was more arbitrary. But the reader is not to imagine, that the sum for escuage, though settled, was always the same. The barons, who held of the crown in capite, might be obliged to personal service; therefore I am inclined to think, that the commutation of this was rather a fine levied for escuage, than, properly speaking, escuage itself. But it was in the power of the crown to convert this fine into an escuage, which was the commutation paid, as of right, by the tenants of estates escheated to the crown. Now escuage was paid according to the proportion or sum which was thought necessary for the service in hand; so that though the gross sum was undetermined and casual, yet the proportions were always certain, sometimes one, two, or three merks for each knight's fee. Another observation which it may be necessary for the reader to make here is, that the escuage paid by prelates is often, by our ancient writers, called a *donum*, and was generally answerable to their number of knights fees. From this it appears, that the crown, at this time, had an immense power, in being at liberty not only of imposing what fines they pleased for fines or escuage, *ne transfretent*, but of settling the gross sum required for the expedition. The reason why I have been more minute on this occasion is, because our writers, both ancient and modern, have suffered a very dangerous expression to steal into their accounts of this year, as if Henry had levied what money he pleased without any other authority than arbitrary power. I have shewn in what sense this may be said; that it was not an act of arbitrary power, but that it arose from the nature of the feudal constitution, and was one of those exorbitant powers which afterwards sat so heavy on the people, that it was found necessary to wrest it out of the hands of the crown, and take it to themselves. But to our history.

Henry raised an immense sum in England; no less, according to Gervase of Canterbury, than one hundred and eighty thousand pounds, and a proportionable sum from his other territories. With this money he hired a great army of mercenaries, to pursue, as he pretended, his title to the county of Tholouse; but I am apt to believe he had a much more unwieldy project in his eye. It is worthy, at the same time, of observing Henry's profound dissimulation; for it appears, as if the aids he had lately raised, by way of fines and escuages, had been raised under pretence of an expedition into Wales, since

A.D. 1159.

Henry's dissimulation.

A. D. 1159.

Maddox Hist.
Exchequer,
p. 435.

Buchanan.
Henry is at-
tended to
France by the
king of the
Scots.

The king of
France suc-
cours Tho-
louze.

A. D. 1159.

Henry raises
the siege of
that city.

He invades
the French do-
minions.

since we find, from an unquestionable authority, that this year an escuage was taken for the army of Wales, of two merks for every knight's fee, though no expedition to Wales was then undertaken (1), or had been some time before.

Henry's next care was to secure the peace of his dominions in his absence. The king of the Scots had been summoned, among other great military tenants, to attend Henry's person. Malcolm, in obedience to the summons, had been for some time at the court of England; and Henry found the means of managing him so artfully, as to persuade him to attend him in his expedition to France. Malcolm, who had come but with a small retinue into England, was but ill provided for such a campaign; but according to the Scotch historians, he was even forced to comply, and Henry thereby gained a double end; first, as he secured the peace of his dominions on the side of Scotland; and secondly, as it tended to create an irreconcilable division between Malcolm and the crown of France, his ancient ally. We are told, that Henry, at the same time, forced several other great barons to attend him personally in this expedition. At last, passing over into France, he fell with great fury into the county of Tholouse, having met with but very little opposition in his march. It was easy for the king of France to foresee, that, if Henry succeeded in this attempt, he would soon be in a condition to give him laws at the gates of Paris itself. This disposed him and his great tenants powerfully to succour earl Raimond. Accordingly Henry having advanced as far as the gates of Tholouse, found himself in an enemy's country, his supplies cut off, and his troops harassed by the French. Thinking, however, to end the war by one decisive action, he laid siege to Tholouse; but Lewis was active enough to get into that city, at the

head of a great reinforcement of his best troops. Notwithstanding this, Henry vigorously pushed the siege from the nativity of St. John Baptist, being the twenty-fourth of June, to the beginning of November. But the strength of the place was so great, and the resistance of Lewis so vigorous, that Henry found himself in great distress. He had entered into an alliance with, or rather taken into his pay, some time before, Raymond the earl of Arragon and Barcelona, and brought over the earl of Nimes to his party, upon condition that he should reinstate him in those places of which he had been stripped by the earl of Tholouse; but the assistance of those noblemen, and the valour of the king of the Scots, availed little against a rigorous season, and a superior enemy. All that Henry could do was, to take the city of Cahors, and some inconsiderable places upon the frontiers of Languedoc, which he delivered up to the earl of Nimes according to paction. At last, to his great disappointment and mortification, he was obliged to raise the siege of Tholouse, after wasting large treasures, and losing a vast number of men. Before he retreated, he fortified the city of Cahors, and gave the command of it to his minister Thomas Becket, who made a prodigious (2) figure in this expedition. Henry, in his retreat, was harassed by the French troops, who killed William earl of Bulloign, son to king Stephen, and a great many other noblemen; but at last, with the miserable remains of his army, he returned into Normandy.

The troops Henry had lost in this expedition were mostly foreign mercenaries, and the disgrace which had attended it, exasperated him beyond measure against the king of France. He therefore no sooner returned into Normandy, than, notwithstanding the advanced season of the year, he entered into a confederacy with Simon earl of Montfort,

(1) Alexander de Swerford, while he resided at the exchequer, collected out of the Rotuli Annales, or Great Rolls of the Pipe, many memorials concerning the scutages which were assessed in the reigns of king Henry II, king Richard I, and king John, and until the fifteenth year of king Henry III. These he hath put together in the Red Book. He could not, it seems, give an account of any scutages more ancient than the reign of king Henry II; for he had not seen or heard, that any scutages were assessed in the time of king Henry I: I suppose he means, that none were mentioned in those few annual rolls of that king's time which then remained. In truth, it is more than probable, that there were scutages assessed in the reign of king Henry I, although the annual rolls of his reign are lost: for that king, in his write (here under-cited) directed to William Constable of Chester, commanded, That the abbot and monks of Westminster should hold their land of Periton free from scutage, and all other secular prestations. But Alexander goes on: The first scutage, saith he, as far as I can collect out of the annual rolls, was assessed in the second year of the reign of king Henry Fitz-empres: it was for the army of Wales, and was assessed only upon those prelates who were bound to military services: the quota of it was twenty shillings for each knight's fee. Several of these scutages are mentioned in the citations out of this great roll, which may be seen under the title, Dane-geld. The second scutage, saith he, of that king, was assessed for the same army of Wales, as you may find in the great roll of the fifth year of his reign: it was two merks for each knight's fee, and was assessed not only upon prelates, but also upon other persons and their knights, who held of the king in capite, according to the number of their fees: it was assessed likewise upon the rest of the knights of each county in common: and this scutage is entituled De Dono, for this reason, as I conceive, saith he, because not only the prelates who were bound to military services, but others also; as suppose the abbots of Batell and Shrewsbury, &c. did at that time give an aid. And note, that in this case the donum of the prelates makes a sum of money answerable to the number of the fees which they held of the king in capite, counting two merks for every knight's fee; and the donum of the knights of each prelate was according to the same proportion, to wit, two merks per knight's fee: for example; The abbot of St. Austin at Canterbury, who held of the king fifteen fees, yielding one hundred and forty-six pounds, and a merk, de dono; the abbot's knights, twenty pounds de dono; which sum (twenty pounds) plainly agrees with the number of the fees, at two merks per fee. Again, the knights of the county (of Kent) yield their scutage in a gross, or common sum. You will find an account of these matters in the great roll of the fifth year. I am apt to think all the prelates, at that time, gave the king a donum in common, and distributed it into certain proportions among themselves. This may be collected from the unequal sum imposed on several of them. And, though this was entituled a donum, I suppose it was in truth a scutage (for the reason before-mentioned, and likewise) because the sheriffs of Worcester and Warwick account for the knights fees of the bishop of Worcester and the earl of Warwick; and therefore I have set down this donum as a scutage, among the other scutages here mentioned.

(2) I cannot here omit what Fitz-Stephen, in his life of Thomas Becket, reports; That in this war between the kings of England and France, Thomas, then chancellor, besides his own retinue, maintained seven hundred knights or horsemen, and also twelve hundred others of less quality, with four thousand mercenary footmen, for one month; every miles, or knight, receiving every day, to provide for his horses and esquires, three shillings of that country money: but the knights themselves had their diet from the chancellor; and, though he was a clerk, he tilted with a knight of France, named Engelram de Trie, and with his lance unhorsed him, and gained his horse. Tyrrel, Vol. II. p. 306.

A. D. 1160.

who delivered into his hands Montfort, Rochfort, and Esparnon, and carried fire and sword into the Beauvais, where he destroyed the strong castle of Guerberes. As he was now at the head of a better army than that which he had lost, and as the king of France found himself greatly incommoded by the garrisons which Henry had placed in the three forts I have just now mentioned, a truce was proposed and accepted of on both sides, to last from December till eight days after Whitsunday. Thus ended this active year, little to the advantage of Henry, who kept his Christmas in Normandy.

A definitive treaty concluded between Henry and the king of France. Prince Henry brought to Normandy,

The truce expiring in the year 1160, a definitive treaty between Henry and Lewis succeeded. In July of the same year, Henry held a council of his Norman estates; and in September following, queen Eleanor, who appears to have acted as regent in England during Henry's absence, came over into Normandy by his command, and brought along with her the young prince Henry, with his sister Matilda; the occasion of which is as follows.

and upon what occasion.

The reader may remember, that the daughter of the king of France was affianced to prince Henry. One of the articles of the marriage contract was, that the castle of Gisors, with all its dependencies, viz. the castles and territories of Neuffle and New-castle, should be delivered up to three knights templars, to be held by them till the marriage was consummated, when it was to be delivered up to Henry. As no precise time was limited for the consummation of the marriage, and as the possession of that castle was at that time of great importance to Henry, he unnaturally resolved that the marriage should be celebrated, however impossible it was it should be consummated. As both the children were in his possession, he had little other difficulty than to blind the king of France, and to prevent his interposing, till a dispensation was procured. For this purpose, he invited him again to another interview, about the month of October, where the late peace was sealed by mutual oaths and protestations of friendship. But no sooner was Lewis returned to his own court, than, Henry producing an authority from the cardinals of Pisa and Papia, dispensing with the non-age of the parties, the royal infants were publicly married in the beginning of November; upon which, before the king of France could prevent it, the knights templars delivered up to Henry the castle of Gisors, with all its dependencies.

Marriage between prince Henry and a daughter of France,

at which Lewis is exasperated.

An action like this, so inconsistent with the character of a king or a gentleman, could not fail of exasperating Lewis to the highest degree. His first resentment fell upon the three knights templars, trustees for the castle, whom he banished out of his dominions. But Henry not only loved the treason, but was grateful to the traitors, and received them with high demonstrations of kindness. Lewis then ordered the sons of Theobald, earl of Blois, to fortify Chaumont,

which must have greatly distressed Henry's possessions in Tourain, had not the latter, having early intelligence of this design, gone with what forces he could get together, on a sudden, and demolished the unfinished work, making prisoners about one hundred and twenty soldiers who were in it. He then gave orders for fortifying Ambois and Freteville, and placing garrisons in them, he went to Mans, where he kept his Christmas with his queen Eleanor.

Being thus fortunate beyond his own hopes, Henry, about the beginning of the year 1161, pursued the same measures in Normandy he had so successfully completed in England: for he seized all the castles in the possession of the earl of Mellent and the other barons, which had been built upon his own demesnes, and put them into the hands of his own creatures, who having been raised by his bounty, and depending on his favour, he was sure would continue faithful to him on all occasions. He likewise, this year, gave orders, that all his frontier castles, both in Normandy and England, should be repaired and fortified. Theobald, earl of Blois, laid hold of this, as a handle, with the king of France, against Henry; and so effectually worked up that prince's jealousy, that he, this year, took the field with a fresh army. He was opposed by Henry: but, as neither party chose to come to a battle, both lay upon the defensive; first, in the Veuxine, from whence they removed into the Dunois. At last, by the interposition of some agents from pope Alexander, a truce was agreed upon. This truce left Henry at liberty to besiege the castle of Agen in Aquitaine, which had rebelled against him; and so vigorously did he press it, that (say our historians) to the astonishment of the Gascons, he took it in a week's time. This success, against so important a place, disposed the king of France the more sincerely to a treaty. Pope Alexander, who had been driven out of Italy by his rival Victor, was at this time in France, and undertook to mediate between the two monarchs. Accordingly an interview was appointed upon the banks of the river Loir, where a magnificent pavilion was erected for the pope: but, before he alighted from his horse, he was met by both kings, walking on foot, who each placed himself at one of the stirrups of his holiness, and walked by him till he alighted; each of them holding a stirrup, and tendering him the service of a common groom. When so much meanness was expressed on one side, and so much haughtiness on the other, it was no hard matter for Alexander to effect a peace; which he did, not so much by mediation as command.

A. D. 1161. War between Lewis and Henry,

who seizes the castles of Normandy.

Henry besieges Agen, and takes it.

An interview between Lewis and Henry.

The most exact of our English historians have, in this year, fixed the death of the archbishop of Canterbury; they who make it later seem not to have considered that the archbishopric was vacant for about a year after. Henry had been now so long in Normandy, that his affairs in England required looking after; but as his concerns in France could not yet dispense with his presence, he was contented

Gervase, Trivet, Book of Peterborough.

Thomas Becket sent to England.

A. D. 1163. tented to send over into England his eldest son Henry, with his trusty minister Thomas Becket, whose pomp and magnificence surpassed that of the king. Thomas arriving in England, acted, in some measure, as regent of the kingdom; and his riches, reputation, and figure were such, that he was obeyed as the king himself. In 1162, a great council, or parliament, was held by Thomas, under commission from Henry. At this parliament the prince royal of England, whom Thomas had brought over, was present; and the intention of the meeting was declared, by the chancellor, to be, that they should all take an oath of eventual fealty and homage to the young prince. This homage was first performed, and the oath taken by the chancellor himself; but with a salvo as to the faith he owed to his father Henry during his natural life, or as long as he was pleased to govern the kingdom. The same oath was afterwards taken by all the other members of the assembly. That year Thomas Becket, chancellor and first minister to the king, was chosen archbishop of Canterbury without any opposition but from the bishop of Hereford, who objected to his election, because he had always appeared more in a military and civil, than in an ecclesiastical capacity. The election, however, was declared by the bishop of Winchester, and Thomas received consecration accordingly.

Fealty sworn to prince Henry.

Becket chosen archbishop of Canterbury.

Henry returns to England.

But Henry having thoroughly settled all his affairs in France, had by this time come down to the sea coast, where he was detained for a month by contrary winds; at last he landed at Southampton, attended by Malcolm king of the Scots, whom for his valour he had knighted at Tours, with two Welsh princes. He was received by all the nobility, both spiritual and temporal, with great demonstrations of affection. Among the rest who paid him their compliments on this occasion, was Thomas the new archbishop of Canterbury. This prelate, who, before his election, was the gayest soldier, and the most magnificent subject of the age, became now a violent, not only patron, but practiser of ecclesiastical severities and discipline. Being at the head of the church of England, he struck into all that presumptuous ambition which seems to have been inherent in that illustrious office, when filled by a man of spirit and sense. The daily jarrings that happened in temporal and spiritual affairs, soon gave Henry an opportunity of observing, that the spirit of all ambitious prelates was centered in Thomas. He saw too late how he had been imposed upon, but knew of no remedy; and his apprehensions were increased when he perceived that the archbishop, under his archiepiscopal robes, wore some part of a monkish dress, as if he had resolved to unite the clergy of all denominations in his favour. It was visible to all present, that Henry's sentiments were as much changed as was the conduct of Thomas; but, to take from him all complaint of disrespect, the

His coldness towards the new archbishop.

king received his archbishop with an apparent, but cold, civility.

A. D. 1164.

Henry, in the year 1163, held his Christmas at Westminster. There he received homage from Malcolm king of the Scots, from Owen and Rees, the princes of North and South Wales, and from all the nobility both spiritual and temporal, who, at the same time, performed an eventual fealty to his son Henry.

The king of Scots and the princes of Wales pay homage to Henry.

Next year we learn, from the annals of Margan, which, in this case, I take to be a good authority, that the king marched into South Wales, where he settled every thing without any manner of bloodshed or confusion. To this expedition I should be inclined to fix the delivering of David, brother to Rees prince of North Wales, as a hostage, into the hands of Henry, for the peace of that country; though the Norman chronicle makes this to have been performed at Woodstock, on the first of July this year; and some historians have added, that the Welsh princes, at the same time, offered to surrender into Henry's hands any of their forts he pleased. These concessions prove, that Henry had been very much exasperated at that people by their conduct in his absence, in their seizing William earl of Gloucester and his countess in the castle of Caerdiff, and committing several outrages upon the subjects of England.

Henry marches into Wales.

It is now time to open the great scene of controversy, which I will consider in a civil light, between Henry and the archbishop of Canterbury, and which ended disgracefully for the one, and fatally for the other. Theobald, the late archbishop of Canterbury, being a man unambitious in his dispositions, had, like his immediate predecessor, lived in good correspondence with the state, and all great points of controversy between the powers of the king and the church lay rather dormant than explained. Thomas had always behaved so little like a churchman, that Henry did not imagine he would ever revive the controversy; little dreaming that ambition is always the same in a cottage as on a throne, under a cowl as under a crown. Thomas had not long filled the archiepiscopal chair, when he began to find that the state had gained greatly upon the high claims of Anselm and his predecessors, which he resolved to revive with the utmost vigour. They consisted principally of the following points:

Account of the difference between Henry and the archbishop of Canterbury.

The first, regarded the alienations which had been made by the crown from the archbishopric of Canterbury. Among these was the castle of Tunbridge, as the archbishop alledged, which was the head of an honour belonging to the earl of Clare, a nobleman of great interest and reputation, who had received it as a fee from the crown. But the archbishop now summoned the earl of Clare to do him homage for that castle and its appurtenances; alledging, that it was not in the power of any of his predecessors to alienate lands in prejudice of the church. But the earl, having received his estate from

A. D. 1164.

A. D. 1164.

Difference between the king and archbishop, about presenting to vacant churches,

the crown, disregarded the summons. Upon the same principle the archbishop claimed the custody of the castle and tower of Rochester from the king himself.

The second point of difference between Henry and the archbishop, consisted in the latter's claiming the right to present to all the vacant churches belonging to the tenants who held of his archbishopric. In consequence of this claim, the archbishop had presented to the church of Eynesford, one Lawrence, a priest. Upon this, the lord of that manor, called William de Eynesford, who probably knew the sentiments of the king upon this head, drove the priest out of the town, for which he was excommunicated by the archbishop. William applied to the king, who wrote to the archbishop in his favour; but the latter insolently replied, That it did not belong to him to command excommunication or absolution to any man. Henry, finding the archbishop obstinate, tested the matter on a point of law; for he insisted, that no tenant in capite ought to be excommunicated without his consent. This expression of a tenant in capite, is here of doubtful import, and is well worthy our consideration; since those tenants who did not hold in chief from the king, are often called tenants in capite, if they held immediately of any great honour, holding of the king in capite. But I am inclined to believe rather, that this William de Eynesford was a tenant in capite for some other signiory, holding in chief of the king; nor does this at all imply that person to have been a baron: for, though Sir Edward Cooke, Mr. Selden, and the great Sir Henry Spelman, seem all to be agreed, that a tenure in capite implied a tenure in barony, or, to speak more plainly, that a tenant in capite was a baron; yet they write not like historians or antiquaries, but like lawyers (1). For it is certain, that a man might hold of the king in capite, by knight service, by serjeanty, by socage, or by fee-farm, as well as by barony. But to return to our history. This point startled the archbishop, and he absolved William de Eynesford from his excommunication.

and about the clergy being judged in lay-courts.

The next matter of difference between the king and the archbishop, was with regard to the punishment of clerks, convicted

of felony or breaches of the peace. The late times of confusion had thrown all distinctions down; clerks and priests were as eminent in wickedness as others. A priest in Worcester had debauched a maid, and then murdered her father. Him the archbishop would not suffer to be tried in a secular court, or delivered up to justice. Another clerk had stolen a silver chalice out of a church in London. Him the archbishop punished, by branding him on the face with a hot iron; but this was by sentence of his own court, where he had been before degraded. In short, crimes of this kind were multiplied; but still the archbishop stood upon the immunity of the clergy from all secular courts. The king, finding that every day produced fresh instances of their contempt of laws, ordered a council to be held at Westminster, where he solemnly demanded of the archbishop and the other bishops, whether they consented and allowed that such felons as were clergymen, who were taken in the fact, convicted, or had confessed, should be degraded, and immediately, upon their degradation, be delivered over to a secular officer for corporal punishment. This demand, of itself, was highly just and constitutional, and the bishops shewed a manifest inclination to comply with it. The archbishop was very hard pressed, and earnestly demanded some time to consider; but there was insolence in that very demand, since the proposition itself was so clear and indisputable. Henry, therefore, wisely insisted upon an immediate resolution; and, after some debate, the clergy retired, that they might consult together. The archbishop alone continued in his opinion, that degradation was sufficient punishment for the fault of any clergyman; and told his brethren, that it ill-became them, who could not be present at a sentence of blood, to expose any man to death. It was in vain for the bishops to remonstrate upon the imprudence, as well as injustice, of this doctrine; they even produced scripture for the support of the civil rights: but the archbishop's obstinacy was so invincible, that all their deliberations proved ineffectual, and they returned to the council without coming to any resolution. The king, exasperated at this, demanded whether they would observe the laws and customs of his kingdom;

The archbishop's obstinacy on that head.

(1) I think, says Mr. Madox, it may be rightly said, that in the ancient times (suppose about the time of king Henry II.) most of the tenants, holding of the king in capite, were real or reputed barons; not barely because they held of the king in capite, but partly for that reason, and chiefly because they held of him large signiories. And there was, as I take it, so great a likeness between a baron and one of the king's tenants in capite, who held a large signiory, that, in the reign of king Henry II, they made little or no difference between them. There was also another thing which made tenancy by barony, and tenancy of the king in capite by knight service, so like the one to the other; and that was, the indetermined quantity or number of knights fees necessary to compose a barony. For whereas some baronies or honours were excessive large, consisting of a very great number of fees; others again were so small, that, by the quantity of them, or the number of the fees whereof they consisted, they could not be known to be baronies. In sum, every baron, properly so called, was a tenant in capite; but every tenant in capite was not, by reason of his tenure in capite, a baron, or a reputed baron. From the reign of king Henry III, downwards to the succeeding times, the tenants in capite became very numerous; so that it sometimes happened that a man was the king's tenant in capite, of a half, or a quarter, or a tenth part of a knight's fee; which small tenancies in capite were far different from baronies. Again, if a man held of the king by some other tenure than barony or chivalry, such person, although he was a tenant in capite, was by no means a baron. Men seem to have been led into their confused way of speaking upon this subject, by supposing tenure in capite to have been a distinct kind of tenure, in like manner as tenure by knight service, socage, and others were; which supposition is fallacious and untrue: for tenure in capite was so far from being a distinct sort of tenure by itself, that it might be predicated of the several other tenures; that is to say, a man might hold of the king in capite, either by barony, or by knights service, or by serjeanty, or by socage, or by fee-farm. And if it be said, that a man held of the king in capite, without mentioning expressly by what service, it is to be understood that he held of the king immediately, in opposition to his holding immediately of another; and that phrase was used in such case, when the service was not in question, but the tenure only, to wit, whether it was mediate or immediate.

A. D. 1164. to which the archbishop answered, He would, saving his order, by and in all things; and in this answer he was joined by all the other bishops: upon which the assembly broke up, and the king that same night set out for Woodstock.

The last point of difference we have to touch upon, between the king and the archbishop, we learn from one Edward Payne, who was chaplain to the archbishop, and wrote an account of his life and death. It seems a custom had crept in, by the strength of royal prerogative, of paying two shillings out of every hide of land throughout England to the under sheriffs, who kept the county courts. The king insisted upon being the Steward of this revenue, and that it should be paid into the exchequer. This was, I think with great justice, opposed to Henry's teeth by the archbishop. He told the king, "That it was reasonable his officers should be paid for the pains and expences they were at in discharging their duty; but that he never could consent that such a sum, which was indeed no other than wages which the people paid to their own servants, should be levied as part of the royal revenue; nor, sir, added he, by your good leave, shall we ever pay it on that account." In this the archbishop acted as an Englishman, and the reasonable opposition to such a monstrous invasion of the people's properties could not fail to provoke a prince of Henry's spirit. "By the eyes of God, replied he, in a passion, my lord it shall be paid as part of my own revenue, and it shall be entered in my accounts; nor does it become you to make this opposition in a matter that is not meant particularly to distress your tenants." The archbishop, who knew that the king was in the wrong, without being the least disturbed at his passion, answered coolly: "Sir, in reverence to those eyes by which you have now sworn, not one penny shall be raised on my lands by law on that account." This resolute reply confounded Henry so much, that he had nothing to answer; nor do we find that he ventured to carry this wicked measure into practice.

Such were the heads of this famous dispute, I cannot say between the church and state, but between an overbearing king and an unsubmitting prelate. That the principles of the latter's opposition were wrong, I shall readily admit; but I am not afraid to declare it to be my opinion, that however detestable the ambition he exposed, however dangerous the principles he espoused were, the opposition which Thomas made to an all-grasping prerogative was so critical, that it afterwards was the chief of all concurring causes that saved the liberties of England.

While matters stood upon this footing, the bishops of England began to reflect upon the dangerous part they had to act, as arising from that distinction which I have so often endeavoured to explain, their spiritual and temporal capacity. They knew the power of the archbishop at the court of Rome,

and, at the same time, the weight of a king on the throne of England, master of large revenues, and at the head of a great army; they therefore thought themselves safest to make their interest, as barons, the measure of their obedience, as churchmen. Accordingly they repaired to the king at Oxford, and retracted the invidious salvo; but when means were used to persuade the archbishop to the like compliance, he continued immovable in his opposition. At last, Henry succeeded so well by his agents at Rome, that he brought off that court from the archbishop's interest. Accordingly, one Philip de Elmofyna was sent, by the pope, into England, with orders for the archbishop to conform himself to the king's will. Upon this, Thomas, finding himself now alone, thought proper to comply with the necessity of the juncture, and came to the king at Woodstock, where he promised to keep the laws upon his good faith, and without mental reservation. If we consider the thing properly, this compliance was of little or no significance, since the archbishop had not come to any express declaration in what sense the word, laws, was understood, and how far they extended.

Henry seems to have been sensible of this, and was resolved to take advantage of the good humour he found the bishops in, by getting his prerogative established in clear and express terms, by a great council, which he summoned for that purpose at Clarendon, about the feast of Hilary, in 1164. Here the articles, so famous under the name of the constitutions of Clarendon, were presented to the assembly on the part of the crown. They were divided into two parts; the first regarding temporals, and the other spirituals. Though the former is generally placed under the assembly of Northampton; yet, as it is plain, from the very titles, that they were made at the assembly of Clarendon, they claim a place here, the rather as they contain those radical powers of the prerogative, which had, by this time, so strongly mingled with the constitution, and afterwards spread out into so many branches. At the same time I shall take the liberty of varying, in some expressions, from the other translations we have of them.

I. If any one shall be indicted before the justices of our lord the king for murder, theft, or robbery, or for receiving any such malefactors, or of forgery, or malicious burnings, he shall be tried by the oaths of twelve knights of the hundred; and if there be not knights present, then by the oaths of twelve lawful freemen; and according to the oaths of four men of every town of the hundred, he shall go to the judgment or trial of water (i. e. ordeal) and if he shall appear guilty, one foot shall be cut off.--- Hoveden adds here, that at Northampton it was added, for the better rigour of justice, that he should, besides his foot, have his right-hand cut off, and also abjure the realm, and be banished within four days; and if, by the water, he were found innocent,

A. D. 1164.

The archbishop's compliance with Henry.

Henry summons a council at Clarendon.

Its temporal decrees.

checked by the archbishop.

Difficulties of the bishops in this dispute.

A. D. 1164.

cent, then to find pledges and sureties, and stay in the kingdom, unless he be accused of murder, or any heinous felony, by the common voice of the country, or report of legal knights of the realm; in that case, though he be acquitted by the trial of water, he shall depart the kingdom within forty days, and carry his chattels along with him (still saving the right of his lords) yet to be at the king's pleasure as to the abjuring the kingdom. — This statute shall take place from the day of the making of the assize at Clarendon until this present time, and as much longer as the king pleases, in murder, treason, and malicious burning, and in all things aforesaid, except in small thefts and robberies (committed in the time of war) as of horses, oxen, and lesser things.

II. It shall not be lawful for any man, in a borough or town, to lodge a stranger above one night in his house, without bringing him to examination, unless he hath a reasonable excuse, which the host is to make known to his neighbours; and, when he goes from his house, he is to do it openly before the neighbours, and in the day-time.

III. If any one be apprehended for murder, theft, robbery, or forgery, and shall confess them, or any other felony he hath committed, before the provost of the hundred or borough, and before lawful men, he shall not deny it afterwards before the justices.

IV. If any frank tenant die, his heirs shall remain in such seisin as their father had of his fee when he died; and they shall have his goods or chattels, to satisfy the devise or legacies of the deceased; and afterwards they shall repair to the lord, and satisfy him for his relief, and do all other things as they ought concerning their fee.

V. And if the heir be under age, the lord of the fee may receive his homage, and have the wardship of him so long as he ought; and his other lords, if he have any, may also receive homage of him, and he shall yield them what he ought.

VI. The relict of the deceased shall have her dower (which, by the laws of those days, was a third part, if the dead left issue; but a moiety, if he were without children) and that part of the chattels which falls to her.

VII. If the lord of the fees denies the seisin to the heirs of the deceased, which they claim, then the king's justices may order the same by the inquisition of twelve legal men; and what sort of seisin or possession the deceased had in his life-time, shall, according to the verdict, be restored to his heirs; and if any one shall act contrary to this statute, and be thereof convicted, he shall remain in the king's mercy.

VIII. The king's justices shall cause recognition to be made of disseisings, from the precise time the king came last into England, after the peace made between him and the king his son. This seems to have been made at Northampton.

IX. The justices shall take the oath of fealty to the king, by the close of eight days

after Easter, or, at farthest, eight days after Whit Sunday, from all earls, barons, knights, free tenants, and also from rustics or husbandmen, who are willing to stay in the kingdom; and he that will not take the oath of fealty, shall be held as the king's enemy.

X. The justices are likewise to have power to command all such as have not done homage and allegiance to the king, to come, at a term appointed by them, and perform them as to their liege lord.

XI. The justices shall execute all manner of law and right belonging to the king and his crown, by his writ, or the writ of his lieutenants or lords justices, concerning half a knight's fee or under; unless the controversy be so weighty, that it cannot be ended without the king; or of such a nature, that the justices ought to report it to him for his satisfaction, or to his lords justices; and they shall, according to the best of their skill and power, do what is for the advantage of the king.

XII. The justices also shall try such thieves and wicked malefactors in those counties they pass through, which trials shall be by the direction of the king, his son, and his liege-men, by whose authority they are to make their courts through the counties.

XIII. The justices shall also take care, that the castles which are demolished be thoroughly ruined, and that such as are to be destroyed be levelled with the ground; and unless they do this, the king will have them judged in his court, as contemners of his commands.

XIV. The justices shall enquire of cheats of churches, lands, and women, that are in the king's donation.

XV. The king's bailiffs shall answer at the Exchequer, as well for the perquisites as the set rents in their bailiwicks, except such as belong to the shire.

XVI. The justices shall enquire about the wards and watches of castles, and from whom, and how much, and where they are due, and shall inform the king thereof.

XVII. A thief, when he is taken, is to be committed to the custody of the sheriff; and if the sheriff be not near, he is to be carried to the next constable of a castle, and he is to keep him until he delivers him to the sheriff.

XVIII. The justices shall cause enquiry to be made, by the custom or law of the land, for such as are fled or gone out of the kingdom; and unless they will return within an appointed time, and stand to right in the king's court, they shall be out-lawed, and their names returned into the Exchequer at Easter and Michaelmas, and from thence sent to the king.

As this assembly at Clarendon was clearly parliamentary, I need make no apology for inserting those limitations of the church power which were here proposed, since they contain the sum of all those controversies which, before that time, and have since, agitated the temporal and secular interests; and as they plainly served as the foundation of

A. D. 1164. of that excellent plan of polity which still obtains in our government.

At a council holden at Clarendon, in the presence of king Henry II, in which John of Oxford, the king's chaplain, presided, by order of the king, a recognition was made of the customs and liberties of the king's ancestors (particularly of his grandfather Henry I.) by the archbishops, bishops, abbots, earls, barons, and great men of the kingdom; and which ought to be observed, by reason of the disputes which often happen between the clergy, and the justices of the king, and of the great men. The articles here follow:

Its ecclesiastical decrees. [Tyrrel, Brady, Gervase.] I. If controversy arise concerning the patronages of churches, either between laymen, or between laymen and clergymen, or between clergymen, let it be tried and determined in the king's court.

II. Churches belonging to the fee of our lord the king, cannot be impropriated without his grant.

III. Clergymen, being accused of any matter, upon summons from the king's judge, are to come to make answer there, to whatever the king's court shall think fit; and likewise to the ecclesiastical, to make answer to whatever shall be there thought fit; but so, that the king's justice may send to the court of Holy Church to see how matters are there carried; and if a clerk be convicted or confess, the church ought not any longer to protect him.

IV. It is not allowed to archbishops, bishops, and parsons, to depart the kingdom without the king's licence, and if they do, they shall give the king security, if he so pleases, that they will procure no evil to the king or kingdom, in going, returning, or staying.

V. Excommunicates ought not to give security, or to make oath for the remainder; but only to give security and pledge for standing to the judgment of the church, that they may be absolved.

VI. That laymen ought not to be accused but by certain lawful men and witnesses, in the presence of the bishop, (yet so as the archdeacon do not lose his right, nor any thing accruing to him thereby.) If they who were suspected be such as no one will or dare accuse, the sheriff, at the bishop's request, shall cause twelve lawful men of the vicinage, or village, to take their oaths that they will discover the truth according to their conscience.

VII. That none of those who hold of the king in capite, nor the officers upon his demesnes, be excommunicates, nor any of their estates be laid under an interdict, till application have been made to our lord the king, if he be in the kingdom, or, if he be not in the kingdom, to his justice, that he may deal with him according to right; and so what belongs to the king's court be there determined, and what belongs to the ecclesiastical court be there determined.

VIII. If appeals arise, they ought to proceed from the archdeacon to the bishop,

from the bishop to the archbishop, and lastly to the king (if the archbishop fail in doing justice) so that the controversy be ended in the archbishop's court by a precept from the king, and so that it go no farther without the king's consent.

IX. If a challenge arise between a clerk and a layman, or vice versa, concerning an estate, which the clerk would have to be held in frank-almoyn, and the layman to be a lay-fee, it shall be determined by the award of twelve lawful men before the king's justice, whether the estate be in frank-almoyn, or in lay-fee. If the award be that it is in frank-almoyn, the plea shall be in the ecclesiastical court; but if in lay-fee, then, unless both claim their tenure under the same bishop or baron, the plea shall be in the king's court; but if both claim under the same lord of the fee, the plea shall be in his court; but so that, on the account of such recognition, he that was first seised of any city, castle, borough, or royal manor, shall not lose his seisin.

X. If one that is cited for any crime, for which he ought to make answer to the archdeacon, or bishop, and will not make satisfaction upon their summons, they may lawfully put him under interdict; but they ought not to excommunicate him till application has been made to the king's chief officer of the village, that he may, by law, bring him to satisfaction. If the officer fail, he shall be fined at the king's pleasure; and from that time the bishop may proceed against him by the law ecclesiastical.

XI. Archbishops and bishops, and all the parsons of the kingdom, who hold of the king in capite, are to look on their estates as baronies, and, on that account, to be responsible to our justices and officers, and to execute and perform all royal customs; and ought, as other barons, to be present at judicial proceedings in the king's court till they come to deprivation of life or member.

XII. When an archbishopric, bishopric, abbacy, or priory is vacant, it ought to be in the king's hand, and he shall receive all the rents and issues as of his own demesnes; and when the church is to be provided for, the king is to send his mandate to the chief parsons of that church, and the election ought to be made in the king's chapel, and by the advice of the king's parsons, whom he shall call for this purpose; and the elect shall do homage and fealty to the king, as to his liege lord, for his life, and members, and earthly honour (with a saving to his order) before he be consecrated.

XIII. If any great man of the kingdom do violently oppose the archbishop, bishop, or archdeacon, in doing justice to himself, and in things that properly belong to him, the king ought to vindicate him. And if any one oppose our lord the king in his right, the archbishops, bishops, and archdeacons ought to compel him, by their law, to make satisfaction to the king.

XIV. The chattels of those who have committed capital crimes are not to be kept in the church, or churchyard, against the king's

A. D. 1164. king's justices; for they are the king's, whether in the church, or out of it.

XV. Pleas of debt are in the king's cognizance, whether due upon faith given or not.

XVI. The sons of tenants in villainage ought not to be ordained without consent of the lord on whose lands they were born.

Reflections thereupon.

Proceedings of the assembly.

Notwithstanding the high claims of modern churchmen, yet it is certain that those articles were received and looked upon, by the assembly, as containing the true and genuine sense of the church and state of England, as to the subordination of the ecclesiastical to the civil state. For when the king required the archbishops and bishops to consent to them, they all did it very readily; but when, for the greater security, he demanded their seals, the archbishop of Canterbury was the only member in the assembly who refused. The assembly seems, upon this, to have been adjourned for some time, and the king used all means to bring the archbishop to conformity. For this purpose he sent to him two lay peers, the earls of Cornwall and Leicester, who endeavoured all they could, but in vain, to conquer the prelate's obstinacy. At last, the master of the order of knights templars, and one of his brethren, threw themselves at the feet of the archbishop, and, by their intreaties, mixed with tears, so wrought upon him, that he agreed, without fraud, or any reservation, or saving, to receive and obey the ancient laws. A writer of the time, devoted to the memory of Becket, makes this an act of compulsion; but I am apt to believe rather, it proceeded from Becket's uncertainty, from what had already passed, whether he should be supported in his obstinacy by the see of Rome. For had it been compulsion, through fear of his life, there was no occasion for his practising those enormous severities which he imposed upon his own person for his facility, since the absolution of the pope could have so easily made him easy on that head.

They are condemned by the pope.

No sooner did Henry get from the clergy this recognition of his just rights, than he transmitted them to France, that they might be approved of by the pope; but when they came to be examined at his court, it was judged that they tended to a total abrogation of the most valuable part of the papal power in England, I mean its independence upon the state. This consideration prevailed with the pope totally to disallow of, and condemn, the articles. Becket, though inwardly pleased at this, affected to treat himself with great austerity, as a punishment for his criminal facility in complying with the king's will.

At the same time, the pope, unwilling to push matters to extremity, sent over the archbishop of Roan with a commission to make things up between the king and his archbishop. But Henry wisely refused to admit of any mediation, unless the confirmation of the constitutions of Clarendon was made a preliminary. To leave no means unattempted for effecting this, he sent over one of his domestic chaplains, to solicit a legantine power from the pope in favour of Roger archbishop of York, a prelate entirely at his devotion. This the pope denied; but made the king himself the compliment of an offer of such a legantine power, provided it was not exercised in prejudice of the archbishop of Canterbury.

Henry was too wise to be caught with this bait, and therefore declined the honour by the same messenger who offered it; and, at the same time, made a shew as if he was resolved to proceed to extremities with the archbishop. This alarmed the latter so much, that he attempted to escape over to France; but being forced to put back, he came again to Woodstock, where Henry was, with an intention to mollify him. But the king was now so thoroughly exasperated, that he refused to see him; notwithstanding which, he thought it a favourable circumstance for his government, that the archbishop was disappointed in his intentions of an escape, by which he would have been at liberty to have put his diocese, nay, his whole province under an interdict, if they obeyed the king.

This seems to have been the consideration which chiefly determined Henry to call a new parliament at Northampton, about the beginning of October, 1164. Here he resolved, without regard to the want of the pope's confirmation of the articles of Clarendon, to carry them into practice, that a precedent being once established, they might have ever after the greater weight. No less than four impeachments were then exhibited by the king against the archbishop.

The first appears to have been founded upon the second article of the ecclesiastical Clarendon constitutions, which, having received the sanction of parliament, had now the force of a law: for by it the archbishop was charged with contumacy, in not appearing at the king's court in person, upon a writ brought by one John, a marshal of the Exchequer, against the archbishop, for removing a cause (in which the said John thought himself aggrieved by the archbishop) from his court into that of the king. The cause between this John and the archbishop is of no importance to a General History; the reader, if he pleases, may consult the notes (1). It is

(1) John had demanded of the archbishop a manor or farm, which, as he said, the archbishop unjustly detained from him; and finding he could have no right in his court, he brought down thither the king's writ, to remove the cause into that of the king's; whither the archbishop being cited to answer it, had failed to appear at the day appointed, for reasons I shall give you by and bye. The king being very angry that he appeared not in person, at the request of this John the plaintiff, he appointed another day (to wit, the first day of the next council) and sent his writ to the sheriff of Kent, to cite the archbishop: for the king did not write to him, because he would not salute him; nor had he any other solemn summons by writ, to come to the council, according to ancient custom. But it happened that the cause was that day put off, by reason of John's absence at London about the king's affairs, as being an officer in the Exchequer. The next day the archbishop was again accused, that he had not done justice to John in his suit; to which he presently answered, that he had done him true justice, and had not willingly declined the authority of the king's court, because John had not taken his oath upon the gospels (as was requisite) but upon an old tropaz or song-book, which he drew out from under his coat; and that if,

A.D. 1164.

A.D. 1164.

Difference between the temporal and spiritual peers.

is sufficient to say, that the fact being proved, the king demanded judgment upon the archbishop's bond of liege homage, and his oath of fidelity. Though this properly was straining justice, yet the indignation of the assembly against the archbishop was such, that all the latter had to say was overruled, and his moveables condemned to be at the king's mercy. Sentence now only remained to be pronounced; but, in this, some difficulty arose. The temporal lords thought it would strengthen the precedent, if it was pronounced by a bishop. A debate then arose, in which it was warmly insisted on, by the temporal peers, that a bishop should pronounce sentence, because they were the fellow-bishops and fellow-priests of the delinquent. But the bishops, I think with great reason, answered, That the sentence was secular, and not ecclesiastical; that they sat there as barons, not as bishops; and that it ill became them to pass sentence upon their own archbishop. This remonstrance having great weight with the barons, the king interposed, and laid his absolute commands upon the bishop of Winchester to pronounce the sentence. This judgment being a record of the king's court, established a strong precedent for Henry, and was then in such veneration, that the haughty prelate, to avoid for the time a greater evil, was obliged to throw himself upon the king's mercy, upon which all the bishops, excepting Gilbert bishop of London, became his sureties.

The second charge against the archbishop.

The next charge exhibited by the king against the archbishop was, his not accounting for three hundred pounds, which he had received as constable of the castle of Eye in Suffolk, and of Berkhamstead in Hampshire. The archbishop offered to make it appear, that he had expended more than that sum for the crown, without charging it in his accounts: however, not to give the court any trouble, he gave security for repaying the money.

The third charge.

The third charge brought against him was, for five hundred merks, which had been lent him when the army was before Thoulouse; and likewise another five hundred, that he had borrowed, upon the king's security, from a Jew. In this charge the archbishop's plea was likewise overruled; though he here pleaded, as he did against the last article, that he was unprepared for a defence, as he had not been cited to answer, upon those charges; and alledged farther, that the money in question was a free present. But, notwithstanding all this, he was obliged to give security for the payment.

The last charge.

The last charge against the archbishop was, that he had not accounted for the profits of the archbishopric of York, and other bishoprics, abbeys, and church livings, which, while he was chancellor, he had received

during their vacancies. This last was an interesting point to the clergy; but they had now gone too far to retract. This charge, however, alarmed them, and gave the archbishop of Canterbury great advantages. The archbishop was contented with answering to it, That by and at his election, he was discharged of those accounts; but that, as the charge brought against him was unprecedented, and of great consequence, he should be glad to have the opinion of his suffragans, and the other clergy, before he gave in his answer. This was admitted, and the archbishop retired to his lodging. Here he found himself abandoned by all the numerous train of sycophants and followers which had used to attend him, and sat all night in close consultation with his suffragans. The result of this was little agreeable to the archbishop's high spirit; for he found most or all of them agreed in his yielding to the stream, and submitting to the king. This had so sensible effect upon the spirit of the archbishop, that next day he fell ill of an iliac passion. The king, however, sent some of the temporal nobility, peremptorily, to know whether he would give security to render an account of what he had received by the vacancies of churches during his chancellorship, and to stand to the judgment of the king's court. The archbishop's answer was, That, if his health permitted him, he would attend the king in his court next day.

He is abandoned by his followers.

Accordingly he attended; but, affecting to be afraid of his life, he took the cross, which, as legate, was carried before him, into his own hand, from the bearer, and thus armed went into court. This shew of resolution made the bishops, who knew what he was capable of, afraid of some sudden catastrophe, and they endeavoured to wrest it by force from his hands; but the archbishop proving too strong for them, he was told by the archbishop of York, That, notwithstanding the cross that was in his hand, he would find that the king carried much the sharper weapons of the two. I shall not enter into a detail of all that passed at this famous interview, which the reader will find very full in the writers of the times, both printed and manuscript; it is sufficient to say, that the archbishop here appealed to the pope for the sentence which had been passed against him for contumacy, and by his own authority prohibited the bishops from judging him in any matter he had done before he was archbishop. The bishops, who were inwardly not displeased at this prohibition, affected to appeal to the pope likewise against the archbishop; which appeal he promised to answer. The archbishop, all this time, was not admitted into the king's presence, who was sitting in court with his nobility. This,

His manner of coming to court.

The archbishop and the bishops appeal to the pope.

if, being cited, he had not appeared in the king's court, it was no contempt, because he was then detained at home by sickness, and had sent two lawful men to make his excuse on this account. Fitz-stephens represents the archbishop to have made another kind of plea, viz. That though he came not at the day, yet he had sent to the king four knights with his letters, as also a letter from the sheriff of Kent, attesting the injury of John, and the imperfection of his proof (viz. as I said before) because he had sworn upon the tropaz, and not upon the gospels. This is the relation these authors make of this affair; but, though it seems improbable that John should presume to swear upon a song-book, instead of the gospels, yet, since they are only those of the archbishop's party who left us any account of these matters, we must rest contented with what we find in them, having no other authors to recur to. Tyrrel.

probably,

A. D. 1164. probably, proceeded from his being considered as a delinquent, and therefore no member of the assembly. The king, however, held a debate with the archbishop; first, by the mediation of the clergy, and afterwards of the temporal nobility. But Henry seems plainly, in this matter, to have been out-witted by the bishops; for he was so far imposed upon by their pretended zeal against the archbishop, and their counter-appeal to the pope, that he dispensed with their sitting as judges; notwithstanding the express stipulation of the eleventh ecclesiastical article of Clarendon, by which bishops ought, as other barons, to be present at judicial proceedings in the king's court, excepting in cases of blood. The clergy being thus extricated from their great difficulty, the king sent some of the lay nobility to expostulate with the archbishop, and to insist upon the obligations to which he was bound by the constitutions of Clarendon. This they did so home, that the archbishop's answer seems to have been dictated by the father of lies, and the spirit of disloyalty; for he said, That there was nothing done at Clarendon, either by them or himself, in which their ecclesiastical honour was not saved. 'Twas true, said he, they had promised, in good faith, without deceit, and according to law, to observe these decrees; yet, by these general words, the dignities of their churches, which they held by the pontifical or canon law, were safe: for whatsoever was against the true faith of the church, and against the laws of God, could not, in good faith, or according to law, be observed. Also, that a Christian king had no prerogative, by the exercise whereof the liberties of the church (which he had sworn to maintain) might receive any prejudice. Moreover, those which they called royal prerogatives, being sent to the pope to be confirmed, were brought back rather disapproved, for but few of them

Henry out-witted by the clergy.

A deputation sent to the archbishop.

His evasive answer.

Tyrrel, Brady, Gervase.

The king demands judgment upon the archbishop,

who renews his appeal,

This evasion so provoked the king, that he absolutely demanded judgment upon the archbishop. The judgment was, that he was worthy to be seized and committed to prison. They now wanted only the form of pronouncing the sentence to seize his person; and the earls of Cornwall and Leicester were sent out to read to him the judgment. But no sooner did the archbishop see them, than he disclaimed their authority, and renewed his appeal. The lords, a little disconcerted by the high manner in which he

treated them, before they read the sentence returned to the inner chamber, where the king and the council sat, for fresh instructions. But the archbishop, in the mean time, laid hold of this opportunity, and hastily left the room; and walking through the midst of all his attendants, unmoved by repeated reproaches, he came to the outer gate of the castle, which one of his servants opened, and thus returned to the monastery of St. Andrew, where he lodged, attended by his chaplain, one Herbert, and William Fitz-stephens, the author of the history of his life.

A. D. 1164.

and escapes judgment.

Reflection thereupon.

Were not this transaction so circumstantially related by authors who were on the spot, with the fullest opportunities of information, it would be incredible that a subject should have the boldness to wrest himself out of the hands of justice, while before the most august tribunal of his country, and that without force either of arms or corruption. But the magic of sacred authority blunted the sword, and overset the balance of justice. The heart of the boldest subject trembled within him, when his hands were stretched out to seize the person of the blackest traitor, when stamped with the names of priest and prelate. In the mean time, Henry's conduct is far from being irreproachable. The original suit against the bishop was frivolous and vexatious, and could have been carried through only by the weight of a dangerous prerogative. Besides, supposing the charge to have been proved, as the bishop very properly said, the punishment was too heavy for the offence; for it being in Kent, it ought to have been regulated by the usage of that country, which gave no more than forty shillings for such default. As to the other matters charged upon him, his notice of trial was certainly too short, and therefore it was irregular to have tried him at that time. With regard to the archbishop's differences with the king, concerning his reannexing the lands which had been dismembered from his archbishopric, that was merely a matter of property, and ought to have been fairly tried by a diraction at law. This we see the king never ventured to do; and I am apt to believe, that his seizing and investing others in those lands was an act of prerogative likewise, and could be justified only by the necessity, or, at least, conveniency of restraining the exorbitant power of an archbishop of Canterbury. The great and material charge, therefore, against this prelate was, the same that had been brought against Anselm, I mean, his endeavouring to withdraw himself from the civil power; a measure which pointed directly at the overthrow of England's constitution and monarchy. But her genius, directed by heaven, ever watchful over her liberties, opened a middle way between the encroaching prerogative of the crown, and the insolent presumption of the church, by which she wrought out her deliverance, and avoided both those rocks, equally fatal to her freedom.

Henry, armed as he was with power, and fired with resentment, did not chuse to pursue

A. D. 1164. pursue the archbishop into his retreat. Perhaps he began to think he had gone too far, and that he might draw two formidable inconveniencies on his hands, variance with the church, and unpopularity with the commons; the former ever supported by interest, and the latter ever susceptible of distress. The archbishop seems to have been sensible of this early, and the king too late: for Henry employed several agents underhand to make matters up, which the archbishop haughtily rejected. At last, the stay of the latter at Northampton daily increasing his popularity, it was privately intimated to him, that a design was laid against his life. This had the desired effect; and, without staying for any leave or passport, the archbishop escaped, meanly attended, first to Lincoln, and then to Canterbury, in disguise. Henry, informed of this, very politically ordered proclamation instantly to be made, that no man should give the archbishop, or his retinue, any ill language, or injure or molest them in any respect. At the same time, by the advice of his council, he appointed a splendid embassy to lay the whole affair before the pope, and the bishop's revenues remained unsequestrated. Such was the effect which this opposition already had upon the government of a prince possessed of more power than ever a king of England had, and as arbitrary in his inclinations. But he knew he had violated, or at least strained, the laws; and he foresaw, from the temper of his parliament, overawed and intimidated as they were, by his growing prerogative, that their support would fail him should he stretch it to greater lengths. Had not this been the case, we can never imagine that he would have left his work unfinished; nay, that he would, in some measure, have undone all that he had so earnestly laboured to accomplish.

About this time we learn, that Rees prince of Wales again rebelled, and the king demanded the aid of his parliament to reduce him. We learn, that this service was not performed in the ordinary way of escuage, but by subscription, every nobleman engaging to furnish a certain number of soldiers for the expedition, according to the value of his fee. After this the parliament was dissolved.

In the mean time, Henry was very solicitous to prevent the escape of the archbishop beyond seas; but the latter eluded all his vigilance, and, after painful concealments, and laborious journies, reached St. Omers, which lay within the earldom of Flanders. This earl was an important ally to Henry; and the conveniency of transporting forces from the Flemish ports into England had invited the latter to make a treaty with the earl for furnishing him, upon proper requisition, with three thousand horse, or a thousand knights, each knight mounting two horsemen besides himself, to be transported to England in English or Norman transports, upon any difference between the king and his barons. By the same convention it was provided, that Henry should

invest the said earl in a fee of five hundred marks a year, four hundred to be paid to himself, and one hundred to his countess, payable, as I conceive, out of Henry's Norman estates. This convention was a renewal of a like treaty for fifteen hundred horse, to be furnished by the same earl to Henry I, and afterwards for three thousand; and both of them are plain arguments of those princes intending to govern by a foreign power, if their measures should meet with opposition in England. Besides this, Henry had assisted the brother of that earl in marrying the daughter of Stephen, who was a professed religious, by which that nobleman became, in her right, earl of Bulloign. At a court like this, which had so strong connections with Henry, the archbishop could not expect to meet with protection; he was therefore obliged to fly to France. Thither Henry followed him, by his ambassadors, the earl of Arundel and the bishop of London, who not only solicited the king of France not to receive the archbishop, but entered into intrigues with all who were about that king, to throw him out of his favour. But Henry was now too formidable both to that prince and to the pope, for them not to lay hold of so favourable an opportunity to oppose, if not to distress, him. In short, both of them espoused the cause of the archbishop, and the two ambassadors at the court of France were ordered to repair to Sens, where the pope was, and to join their instances to those made by the other deputies, who were already nominated for negotiating with the pope. These were Roger archbishop of York, Henry bishop of Chester, Bartholomew bishop of Exeter, with Wido, Rufus, Richard, Ivelchester, and John of Oxford, all clerks; and Hugh de Gundeville, Bernard of St. Wallery, and Henry Fitz-gerald, laics. All these deputies had a solemn audience of the pope, who treated such of the deputation as were clergymen with great contempt; but, at the request of the earl of Arundel, who was a man of sense and moderation, offered to send legates into England for deciding the difference between the king and the archbishop. But the ecclesiastical deputies requiring that those legates should have a power of judging the matter without appeal, the pope, who, says my author, knew Henry's power to gratify, as well as to punish, would not trust the virtue of any man so far as to give him an absolute commission; he, therefore, turned the matter off, by saying, That he would not give his glory to another; and the ambassadors being limited in time, were obliged to return into England before the archbishop had time to repair to Sens to answer for himself.

This prelate, after leaving St. Omers, came to Soissons, where he was highly caressed by the king of France. From thence he went to Sens, and was received by the pope with all the tenderness due to a martyr for his honour and glory. The prelate's behaviour, on the other hand, was equally submissive and artful, and he procured from the pope a thundering anathema against all

The archbishop escapes.

Henry's policy.

He sends an embassy to the pope.

Rebellion in Wales.

The archbishop goes beyond seas.

Convention between Henry and the earl of Flanders.

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The archbishop flies to France.

Embassadors sent to the pope from Henry.

Their negotiations ineffectual.

The archbishop kindly received by the pope.

A. D. 1165.

who should dare to observe the constitutions of Clarendon.

Henry's offer to the pope.

Gervase.

All these transactions were very mortifying to Henry, who, if we may believe an author of the times, went so far, as to offer the pope not only a perpetual confirmation of Peter's-pence, but to extend it to all houses which made a fire, either in city, town, village, or hamlet, throughout his dominions, provided he would give up the archbishop. But this was refused. At last, Henry, finding nothing could prevail, sequestered, but without venturing to forfeit, the revenues of the archbishop.

Commotions in Wales.

The Welsh commotions, by this time, claimed the most serious attention of Henry and his government. Some differences happened between the earl of Gloucester and Rees the prince of South Wales, in which Eneon, brother to the latter, was killed. Upon this Rees invaded Cardiganhire, from whence he expelled the subjects of England, and harraressed the Flemings by many inroads, carrying off a large booty. Those successes encouraged David ap Owen, the prince of North Wales, to make a league with Rees; and it seemed to be the unanimous desire of the Welsh to shake off the Norman yoke, and re-assert their ancient independency. But it being now late in the year 1164, the inclemency of the season would not admit of Henry's making any attempts against a people so determined, in a country so inaccessible.

Henry's negotiation with the emperor Frederic Barbarossa.

Frederic Barbarossa was at this time under a spiritual interdict by the see of Rome. This naturally brought him to court an alliance and correspondence with Henry; and, in the beginning of the year 1165, he sent over the archbishop of Cologne, as his ambassador, into England, to demand Matilda, the eldest daughter of Henry, in marriage, for his favourite the duke of Saxony. This archbishop was received with great complaisance by Henry; but the marriage was waved for that year, the lady being yet only eleven years of age. In the Lent following, Henry went over to Normandy, and had an interview at Gisors with the king of France. Probably his chief view was to bring over that prince from his connections with the archbishop of Canterbury; but, if this was his design, he failed; and, after a few days stay, he returned to England, that he might put himself at the head of the army destined to act against the Welsh. Taking the field, therefore, as soon as the season of the year would permit, he advanced against Rutland castle, which was then in the hands of the Welsh, and to which he laid siege. But that people, by their union, were now become formidable; and David ap Owen, the prince of North Wales, by this time had over-run all Flintshire, and joined his troops with Rees. Henry, fearing to be attacked while he lay before Rutland, or that his retreat might be cut off by a superior force, immediately returned, and sent out commissions throughout all his dominions, both English and French, for raising a greater army. Upon this occasion we learn, that he

Henry's interview with the king of France.

He marches into Wales.

even made a requisition of the Flemish forces, the eleventh article of his convention with that prince expressly stipulating, that they should be ready for his assistance as soon as they were required by the king, upon his losing any county, or the value thereof. The Welsh, on the other hand, acted with an uncommon spirit of unanimity, and with a resolution becoming the blood of Britons. They united their troops, nor did they decline battle with Henry, now exasperated with repeated foils, and, like another Claudius, threatening the extinction of their name and nation. In short, their combined forces came to Corwen; while Henry, having advanced as far as Oswald's-tree in Shropshire, encamped there. Both armies being now near, the king was in hopes that he should be able to bring the enemy to a battle. Upon this, he ordered part of his army to pass the river that divided both camps, which they did; but, before the whole could pass, they were so vigorously attacked by the Welsh, that a great slaughter ensued. Henry, however, still pouring in fresh troops, forced the passage, though to the imminent danger of his own life, Hubert de St. Clair receiving in his own breast the arrow which must have pierced that of his master. Henry then penetrated as far as Berwin-hill, which I take to be the same with that called Brethin-hill in Shropshire. The Welsh wisely availed themselves of their situation, and, without venturing any decisive battle, beset him so, that he found himself cut off from all means of supplying himself with provisions for advancing farther; and the rains falling, together with the floods from the mountains, reduced his army to so dismal a situation, that he was in danger of losing both it and his own life; at last, by an inglorious retreat, he saved both. His first resentment for this disgrace fell upon two sons of each of the Welsh princes, whom, after putting out their eyes, he emasculated.

Henry in great danger from the Welsh.

He retreats with loss. His cruelty.

This year died Malcolm, surnamed the Maiden, king of Scotland, after an unjoyous reign of twelve years, and in the twenty-fifth year of his age. This prince, after his return from France, was severely upbraided by his subjects for the cessions he had made to the king of England; and their discontent at last went so far, that he was besieged in the town of Perth by the rebels. The Scotch historians have informed us, that this rebellion was suppressed by the king's agreeing to declare war against England; but for this I find no countenance from the best of the English historians. Malcolm was succeeded by his brother William, a prince of more active virtues.

Death of Malcolm king of the Scots.

It appears that, soon after the Welsh expedition, Henry went over to Normandy, where, finding all endeavours ineffectual for bringing the court of Rome to reason in the case of the archbishop, he determined, at last, to come to extremities. Accordingly we find an edict of his published this year, which imported little less than a total separation from the see of Rome, and for that reason he is execrated by the writers of the

Henry's resentment against the pope.

A.D. 1165. age. It consisted of seven articles, which we find in Hoveden, and their substance as follows:

His edict against him.
Brady, Ger-
vase.

I. If any one shall be found bringing letters or mandates of the pope or archbishop, containing an interdict of Christianity (that is, the use of the service, sacraments, and holy rites) in England, let him be taken, and let speedy justice be executed upon him, as a traitor to the kingdom.

II. Also no clerk, monk, or other religious person, may be permitted to pass beyond seas, or return into England, unless he hath a passport from the justices for his going out, and the king's letters for his return home; and if any one doth otherwise, let him be taken and imprisoned.

III. Also it was forbidden, that no man bring any command or message from the pope or archbishop; whoever doth, let him be taken and detained. Also generally it was forbidden, that no man should appeal to the pope or archbishop; nor, for the future, should receive any message or commands from them, nor hold any plea by their order or command; and if any man did contrary to this prohibition, he was to be taken and detained, or imprisoned.

IV. Also the bishops, abbots, priests, monks, clerks, or laymen, that shall comply with, or submit to, the sentence of an interdict, they and their kindred shall forthwith be cast out of the nation, and shall carry nothing with them; their goods and possessions shall be taken into the king's hand.

V. Also all clerks, that have rents and estates in England, shall be summoned, that they return to them within three months; and if they do not, their goods and possessions shall be seized to the king's use.

VI. Also that the bishops of London and Norwich should be summoned before the king's justices, to make satisfaction for that, contrary to the statutes of the realm, they had interdicted the lands of earl Hugh, and pronounced sentence against him.

VII. Also that the Peter-pence should be gathered, and safely kept, for the use of the king.

Reflection upon Henry's conduct.

It is amazing that a prince, who, as appears by the above articles, perfectly well understood the dignity of his crown, should afterwards stoop to such meanness as Henry submitted to. At this time, his spirit seemed to promise to his people an entire emancipation from ecclesiastical tyranny, and a little more firmness might have effected it; but Henry, however high he carried it with the court, was certainly a slave in his heart to the church, of Rome. The clergy began now to fear the effects of his resentments; and the archbishop had little else to trust to, than the importance of his own character, and the support of his party, in England. He therefore had recourse to his pen, and plied both the king and his suffragans with letters, which (however eminent he might have been as a soldier or statesman) discover him to have been a bad reasoner, and a wretched scholar. They are stuffed

with arrogance, and filled with pontifical presumption. At last, he proceeded so far as to excommunicate several noblemen, and threatened to do the same by the king himself. But Henry, though he dreaded the force of this bolt, acted with great shew of resolution: he ordered a strict eye to be kept over all the sea-coasts, and that the loss of life or limbs should be inflicted upon any person who should import into England letters of interdict. At the same time, he issued out his commands for all the clergy to reside upon their several charges, under the pain of banishment and deprivation; and that every priest should be emasculated, who refused to perform the functions of his calling. But we shall now take a view of a great revolution, which had by this time happened in Scotland; though we must go a little backward.

A.D. 1165.

After the return of Malcolm, his subjects, who had long been accustomed to consider themselves as on an equality with the English, discovered great signs of discontent. This, at last, as we have already observed, broke out into open rebellion, which was quieted only by Malcolm's promising to attempt regaining, either by force or treaty, what had been taken by Henry from his crown. If we are to believe the Scots, he partly effected this, after some disputes with Henry in the field; and that the latter not only confirmed him in his earldom of Huntingdon, but restored to him Cumberland. His nobility, however, still retained strong resentments for his inglorious cession, as they called it, of Northumberland; and went so far as to tell Malcolm, that it was not in his power to give up any part of claim upon that county. The Picts (the descendants of the Northern, as the Welsh are of the Southern, Britons) at this time held two counties, Murray and Galloway, discontiguous indeed, but therefore the less dangerous, to the government of Scotland. Some have doubted whether they then used laws, language, and manners, different from those of the Scots; but they certainly did, and considered themselves as the rightful proprietors of the country; nay, and in some respects, as independent upon the crown of Scotland: it was therefore no wonder if they seized every opportunity of recovering their importance. The contempt into which Malcolm had fallen, gave them encouragement to attempt it. One Angus, their chieftain, perhaps their prince, in Galloway, fought no less than three battles with the brave Gilchrist, Malcolm's general, and the Belisarius of Scotland, but lost them all. The Picts of Murray were a more hardy race; they rebelled at the same time, and had carried their ravages into the lower parts of the country, before Gilchrist could march to subdue them. Their success made them insolent and barbarous; for, not contented with making an effort for recovering their liberties, which perhaps was laudable, they murdered some messengers sent to them by Malcolm. At last, Gilchrist, having suppressed the commotions in Galloway, marched against them: but with so determined a spirit

History of
Scotland at
this period.

A. D. 1166. spirit did the barbarians fight, that he lost a battle. Malcolm, however, brought him so considerable a reinforcement, that he repaired his ill success, and pushed the rebels within the limits of their own country. Another battle ensued; and the royal army, though superior in numbers, had great difficulty to conquer. The fortune of the day, however, declaring for Malcolm, he ordered no quarter to be given to the enemy; and this was followed by an almost total extinction of their race in Murray. This account I thought due to this remnant of the British race, who seem to have retained no virtue of their forefathers, besides their love of independency; and, by their cruelties in the marches of Scotch armies into England, disgraced, as I have already hinted, the more gallant and polished part of that people. But to follow the Picts now to their period. Malcolm, after the great defeat and destruction of the Moravian Picts, wisely resolved to abolish the distinctions between them and his other subjects; and for that purpose, transplanted the few remains of their men, with all their women and children, to other parts of his dominions. This was the more necessary, as they lay convenient for rebellion, because of their vicinity to the great unruly military tenants, whose dangerous powers have been but lately restrained, and are yet but ill understood. As to the Gallovidian Picts, they, either by arms or composition, lived under some shadow of independency, retaining not only their own customs and laws, but were governed by their own lords, whose jurisdiction, if not independent, was extensive. At last, though late, they fell in with the manners of the Scots, as the Scots in low lands did with those of the English.

William, the successor of Malcolm, found himself, after his accession, pressed by his subjects, as his brother had been, to redemand the possession of Northumberland. Accordingly, when he came to the court of England, to pay homage for his English estates, he made a formal requisition of it from Henry; but the latter too well knew its importance to his own crown. His answer was not irritating indeed, but such as might have convinced the Scot that he never intended to comply with his demand; for he told him, that his claim must be examined and discussed in his great council or parliament. William did not look upon this as a refusal, and perhaps thought he might form a party among the nobility; for we find, that when Henry, in the year 1166, went over to Normandy, he was attended by the king of the Scots, whom he found means to amuse as he had done his brother, and thereby secured tranquility in the north of England.

The chief business of Henry in France, this year, seems to have been to make a party against that of the archbishop of Canterbury, at the court of Rome. No method was so ready for that purpose, as the encouraging crusades, and other expeditions, against the infidels. Accordingly, by the me-

diation of the king of France, this year he promised to grant four-pence upon every hide of plowed land for those purposes. The archbishop knew that this liberality would have a good effect upon the king's affairs, and therefore he renewed his intrigues and fulminations. At last, the pope gave legantine power to the cardinals of Pavia and Naples, to hear and determine the differences between Henry and the archbishop, who were both summoned to meet the legates at Mount Miral in Champagne; which they accordingly did. But the archbishop was much mortified to find that the legates were not so sanguine in his favour as he expected; he therefore presently insisted on restitution, which broke off the accommodation; and the king succeeded so far, as to have his friends absolved from the archbishop's excommunication.

Henry, when he was in England before, had left his queen Eleanor regent of his French dominions. Either her sex, or the encouragement they met with from the earl of Brittany, encouraged the nobility of Maine to be very refractory to her administration. But Henry was resolved now to reduce them. Accordingly he marched his army both into Maine and Brittany; and, after some resistance, he seized upon their chief castles; all which he kept in his own hands, excepting that of Fulgers, which, having made an obstinate resistance, he demolished. It was at this time that the marriage was agreed upon between Geoffrey, Henry's third son, and Constance, daughter to the earl of Brittany, who, finding himself ill-supported, and Henry too powerful, made his submission, but upon very hard terms: for he surrendered into the hands of Henry, as guardian for the young pair, all his estate, excepting a very inconsiderable portion he retained for his own subsistence; and Henry accordingly entered into immediate possession.

This was a great accession to Henry's fortune, and in the summer he returned to England. Here he took a revenge unworthy of so great a prince, and which had by no means a good effect, either as to his affairs or reputation: for he banished all the kinsmen and relations of the archbishop of Canterbury, without excepting either women or children; an act, which, with regard to the nation, was so arbitrary, and to individuals so cruel, created indignation both at home and abroad. The exiles met with a generous reception and entertainment in France; and Henry, being disappointed of his revenge upon them, prosecuted it with a greater severity against the archbishop; for he took from him all his means of subsistence from England, and made it penal for any of his subjects to correspond with him. But he did not stop here; for he sent word to the abbot of Pontigny, who, by the pope's commendation, had entertained the archbishop for the last two years, that if he sheltered him any longer, he would banish all the monks of his order out of England. This severity, instead of hurting, served the archbishop; for the king of France now took him

Defeat of the Picts.

The king of the Scots demands Northumberland.

A. D. 1166. A tax for the crusade.

Rebellion in Maine,

quelled by Henry,

who banishes the kinsmen and friends of Becket,

A. D. 1167. who is taken into the protection of France. him under his own protection, and not only allowed him a generous maintenance, but personally treated him with great regard and civility. This encouraged the archbishop's friends to apply to the pope, who did all he could to mollify Henry, but in vain. In short, the king was deaf to all intercession, and ought either not to have gone so far, or to have persevered to the end. The rest of the year was spent in writings, which flew about between the king, the pope, the bishops of England, and the archbishop of Canterbury.

Henry invades Auvergne. Towards the beginning of the year 1167, Henry was involved in some disputes with the earl of Auvergne. The king espousing the cause of that prince's nephew, who had been disinherited soon after Easter, fell into Auvergne with an army, and wasted that earldom. But the earl soon submitted, and offered in all things to be determined by the king. Other differences subsisted between Henry and the earl of Bulloign, brother to the earl of Flanders, on account of the subsidies paid by the former to the latter. This difference went so far, that the earl of Bulloign threatened, while Henry was in France, to invade England with no fewer than six hundred ships lent him by his brother. This greatly alarmed the English. Richard de Lucy was then high-justiciary of the kingdom, and regent in Henry's absence. It appears that the nation was then very indifferently provided in shipping. But this nobleman, who was a vigilant minister, brought down a large army of militia and military tenants to the sea-coasts, which quieted the apprehensions of the people, and daunted the Flemings from attempting the invasion.

An invasion threatened from Flanders. But it is very improbable that the latter would, upon their own strength, have made any such attempt, had they not been encouraged by the king of France, who now warmly espoused the interest of the archbishop. Henry, on the other hand, began to revive his claim upon the county of Toulouse, and both armies this year took the field. No action, however, ensued. Plundering and burning were the business of the campaign. At length, both monarchs agreed to hold a personal conference for making matters up. The place of meeting was in the Veuxine; but they departed without coming to any accommodation, and each began to fortify his castles and towns, as if upon the eve of a bloody war. Lewis fell down into the country between Mante and Pacey, and Henry burnt the castle of Chaumont near Gisors, which was the French magazine both for money and provisions. This recalled the French arms from that quarter where they were employed, and Lewis penetrated with great rapidity into the very heart of Normandy, where, among many other places, he burnt the town of Andeli upon the Seine, which belonged to the archbishop of Roan; while Henry was employed in besieging and taking Fimmel, a French garrison. Towards August, both kings, being now weary of the war, agreed upon a truce, which was to last till Easter next year.

Henry then marched into Brittany, where he again exacted oaths of obedience from the noblemen and the inhabitants. Guithomar, son to Henry viscount of St. Paul de Leon, being one of the most powerful noblemen in that country, at first made some difficulty to submit; but Henry instantly laid siege to his strongest castle, which he burnt to the ground, as he threatened to do by all the places upon his estate. This soon brought that nobleman to compliance, and he gave hostages for his fidelity, and that of his tenants.

A. D. 1167. The people of Brittany renew their fealty. It was at this time that Henry received the news of his mother's death, which happened on the 10th of September, 1167. All I have to add to the character of this celebrated lady, is, that she improved greatly under her misfortunes and disappointments; and her experience rendered her, in her old age, no contemptible counsellor to her son. She had amassed a considerable sum of money, which, by Henry's orders, was distributed among churches, monasteries, the diseased, and the needy. Her works of public charity and utility, in her own lifetime, were likewise considerable.

Death of the empress. No sooner was the empress dead, than Henry, being now freed from a powerful advocate in behalf of the archbishop, thought of strengthening himself against the court of France, by a strong alliance with the princes of Germany. What gave him a fair handle for this, was their and the emperor's espousing the interest of an anti-pope, against that of pope Alexander, Henry's declared enemy. Henry offered to join with them in disclaiming the authority of the latter; and some authors, though I think improbably, say, that he went so far as to abjure that pope's authority, and to acknowledge the anti-pope; and that he forced the people of England into the like abjuration. But this is very unlikely; for we have, in Matthew Paris, the copy of a letter from Henry to the archbishop of Cologne, in which he only declares his intention of sending the archbishop of York, the bishop of London, the arch-dean of Poitiers, Richard de Lucy, and John of Oxford, as ambassadors to Rome, to threaten, that if that court should any longer protect the traitor Thomas of Canterbury, he would expel all the pope's adherents out of his kingdoms. In this step he says, that he has the advice of his barons and clergy. It is not, however, at all improbable that Henry, if he had been properly supported, would have struck a bold stroke; for he desires the archbishop of Cologne to send one Ernald to him, in order to treat between him and the emperor; but it appears that this negotiation never took effect.

Henry's negotiations in Germany. During the truce between Henry and Lewis the king of France, the earl of Brittany and Richmond died, and left Henry and his family in full possession of his estate. Soon after, fresh attempts were made, by two legates from the pope, for a reconciliation between Henry and the archbishop. But the latter was so unreasonably obstinate and haughty,

A. D. 1167. haughty, that the legates themselves could not help blaming him; and thus the negotiation came to nothing.

We are now to open a scene of great importance, worthy of Henry's ambition and power; I mean the conquest of Ireland. The reader may remember the bull of the pope, which gave Henry the first pretext for this attempt. The empress, for reasons which have not come to our hands, never approved of his pursuing this undertaking; but Henry, about this time, resumed his first intentions. It will be necessary, however, before I proceed farther, to give the reader some account of this people, the conquest of whom was attempted upon the slightest foundations, and perfected with the greatest ease.

Account of
the old Irish.

The Irish, like the old Britons, seem to have been of Celtic original, their language and manners greatly corresponding. Their form of government at this time, like that of the ancient Britons, was a political confederacy, in which separate states were governed by different princes, who all had a dependence upon one. The knowledge of letters was introduced thither by Patrick, a North Briton, so late as the fifth century; and, with letters, he planted Christianity. Like those of the Scots, their high antiquities have been run up into the most fabulous absurdity by their authors, who were generally void of discernment, taste, or literature; but full of affectation, passion, and prejudice. The Scots, among the other Celtic nations, had settled here soon after the incarnation; and their two most learned antiquaries seem to have given up all pretensions to any knowledge of their history before the fifth century, at which time it was so over-run with ignorance, that they knew not the use even of common characters in writing, the alphabet itself being then first introduced among them. Ignorance begot superstition; and Ireland evacuated her saints in such plenty all over Europe, that it was

Usher archbishop of Armagh, and Sir James Ware,

called the native country of the holy. Their situation, however, and piety afforded the monks a safe retreat; and this gave them leisure to introduce a character in writing, which perhaps our Saxon ancestors copied. The invasion of the Norwegians and Danes, about the seventh century and afterwards, broke into this asylum; and it is more than probable that the greatest part of the Irish coasts was peopled by Danes and Normans, commonly called Easterlings, who built the cities of Dublin, Limeric, Waterford, Wexford, and Cork, and reduced as much of the adjacent country as was convenient for their purposes. Having no bait for conquest, the native Irish living mostly in subterraneous caves, and the few houses they had being made of hurdles covered with straw or rushes, the Easterlings seem not to have chosen to extend their conquest to the inland parts of the country. Their numbers were too inconsiderable to people it, their manners too barbarous to civilize it, and their necessities too pressing to be gratified by so unavailing a conquest. It is, however, very probable that those Easterlings and foreigners had about this time mingled with the natives, and that in manners they were become almost the same. The fertility of the soil, the temperature of the air, the conveniency of the harbours, which to other nations bring glory and riches, were to the Irish matters of reproach. The fairest blessings of nature lay unimproved through indolence nourished by pride. Their healthful vigour was unnerved by inactivity, and they seem to have been void equally of the virtues as the vices of the rest of mankind. Sir James Ware makes violence alone the right by which their kings reigned, and their only title to government, which must consequently have been bloody and precarious. Their ceremonies were more than savage. In short, it can scarcely be said, with any propriety, that they had among them a civil policy (1).

Power, however, supplying the place of

(1) It may be proper here to give an abstract of what the ingenious Ware has said with regard to the Irish antiquities. That in their histories there is much falshood. That it is probable they had their origin from Britain, both by reason of the vicinity of Britain, and the easiness of the passage; as also from the conformity of the language and customs, with those of the ancient Britons. That to assign the exact time when Ireland was first inhabited cannot be expected. That, of old, the most potent of their kings (for Ireland was then a pentarchy) assumed to himself the government of the whole island, and was called king of Ireland; and, by some, king of kings; as one to whom the inferior kings allowed the supreme rule. That they obtained the monarchy not by any solemnity of coronation or anointing, nor by any hereditary right, or propriety of succession, but only by force of arms. That most of those kings died violent deaths; and as, among the Romans, Galba killed Otho, Otho Vitellius, &c. so many of those kings of Ireland, who had stained their hands in the blood of their predecessors, were rewarded alike. That the custom of creating kings in the north of Ireland was this: the whole people of the country being assembled, a white beast was set in the midst of them, to which the candidate, making his approach, like a beast, upon all-four, professed himself to be a savage beast; and presently the beast being killed, cut to pieces, and boiled, he bathed himself in a chaldron of the broth prepared for him, and, together with the people, feasted upon the flesh of the beast, and drank of the same broth wherein he had been washed, putting his lips to it without any vessel, or the use of his hand; which done, his kingdom was confirmed to him. That, in the election of Oneal, a shoe was thrown over the head of the elect. That Legarius was the son of Oneal; that he reigned anno 463. That he purposely omits the predecessors of this Legarius, because most of what is delivered of them is either fabulous, or very much intermixed with fables, and without chronology. That the petty kings of particular provinces are sometimes falsely called kings of Ireland; (he instances in several.) That what was taken from strangers, as though done for the public good, was esteemed commendable; but that their judges, called brehons, at certain appointed times, in the open air, and usually on a hill, seated on clods of earth, determined what controversies happened among their neighbours, according to the customs in use among them. That the inheritance of the deceased was equally divided among the sons, both lawfully and unlawfully begotten. That there were indeed, in Ireland, walled towns before the coming of the English in Anno 1170, as Dublin, Limeric, Waterford, Wexford, and Cork; but that they were built by the Easterlings, or Danes, who had conquered those parts of the island; but that the native Irish had no walled towns, and their houses were neither marble nor brick, nor subterraneous caves or dens; but made of hurdles, and covered with straw or rushes. That from this poor sort of building among the ancient Irish it comes to pass, that we have so few signs remaining of any houses or castles built by the kings of Ireland before the coming of the English. That, therefore, when Roderic O Conner, king of Connaught, in the year 1161 (not very long) built a stone castle at Tuam, it was so new and unusual in those times, that the Irish called it the wonderful castle. That when Malachias O Moigair, archbishop of Armagh, who was cotemporary with St. Bernard, began to build a stone oratory at Benchor, like those he had seen in other countries, it was the wonder of the natives. And, in fine, that at Temoria, now Tara, (the principal residence of the Irish kings, the seat of justice, the place appointed for national assemblies, and where, if we believe Dr. Kennedy, the royal book, or touchstone of all others, was preserved) there is not the least sign or remainder of an ancient building to be seen. Abercromby's Hist.

A. D. 1167. government, there were, in the time of Henry II, five kings among them, or, according to others, seven; those of Connaught, Cork, Leinster, Offory, Limeric, Meath, and Ulster. But it is probable that two of those kingdoms were sunk into others, since Giraldus Cambrensis, our best authority, mentions only five kingdoms. The king of Connaught was, not from any superiority arising from virtue or election, but from barbarous power, the chief of the rest. His name was Roderic; the name of the king of Leinster was Dermot Mac-morrogh; and Ororic was king of Meath. The king of Connaught, because of his superiority, is sometimes called king of Ireland. Omachla, the wife of the king of Meath, had an intrigue with Dermot Mac-morrogh; and the husband, who it seems was no stranger to it, being obliged to go upon an expedition at some distance from his own territories, shut her up within a bog which lay in an island, inaccessible, as he thought, to his rival. But Dermot found means to elude the precaution of Ororic, and carried off the willing fair one. This indignity fired the king of Meath; and Roderic king of Connaught joining in his resentment, Dermot, who was ill-beloved by his people, after various combats with unequal force, was obliged to take shipping, and throw himself upon the protection of the king of England. Henry was at this time in Normandy; but his affairs would not permit him to enter into the cause of Dermot with the vigour he otherwise would have done. The opportunity, however, was very inviting; and Henry, being willing to make the most of it, gave him a brief, declaring that he had taken him into his royal protection, and giving leave to all his subjects to assist him. Dermot immediately passed over to Britain, where he tarried for some time at Bristol, for the conveniency of hearing how his affairs went in Ireland. Here he caused his brief from the king to be read in public, and was extremely profuse in his promises to all who should assist him in the recovery of his kingdom. At first he was treated with great contempt, and had no success; but the novelty of the thing excited the curiosity of many, and particularly of Richard earl of Striguel, surnamed Strongbow, called by some of our historians and antiquaries, Richard earl of Pembroke. This nobleman had great ambition, and large possessions in Wales, where his tenants were numerous, and the situation of his estate convenient for a passage to Ireland. The bargain between him and the monarch was soon struck; and it was agreed, that in the spring, 1168, the earl should assist Dermot to recover his country, upon condition, that the latter should give him his daughter in marriage, and leave him heir to his dominions. Robert Fitz-stephens, a young nobleman of great activity and valour, son to the constable of the castle of Aberteivy in Wales, now called Cardigan, had succeeded his father in the command of that castle. His mother was Nesta, daughter to Rees king of South Wales, whose first husband

was Gerald constable of Pembroke castle. Thus this lady, who had been mistress to Henry I, was wife to two noblemen, and the mother to the Fitz-geralds and Fitz-stephens's, the progenitors of the same name in Ireland. Robert Fitz-stephens, of whom I now speak, had been through treachery delivered into the hands of Rees ap Griffin, who was at that time meditating to take up arms against Henry. As Fitz-stephens had great interest and alliances in that country, Rees offered him liberty, upon condition that he would fight on his side with him, against the English government. This proposal being rejected by Fitz-stephens, he continued upon a kind of recognizance to Rees, till the arrival of Dermot at St. David's, where he intended to take shipping for Ireland. Rees ap Griffin being a relation to Dermot, the latter had interest enough to prevail with Rees to give Fitz-stephens liberty to assist him in regaining his dominions. The young man, fond of an opportunity in which he could give so fair a display of his valour, without affecting his honour or allegiance, readily embraced the proposal; and, by the mediation of the bishop of St. David's, his uterine brother Fitz-gerald, and he, engaged, upon their own credit, to carry over a certain number of men to the assistance of Dermot, on condition, that the latter should give to him and Maurice Fitz-gerald the city of Wexford in fee, with the two hundreds adjoining. Dermot, having thus settled his affairs, embarked privately at St. David's, and went over to Ireland, where he lay in concealment at Ferns, near Wexford, till next spring.

In the mean time, Henry continued in Normandy; and, with a view of strengthening his interest against the French on the side of Germany, he agreed this year to send his daughter Matilda to the duke of Saxony, her espoused husband, who solicited cohabitation with her, though she was then no more than thirteen years of age. Accordingly, Henry sent to England for his queen and the young lady, and they immediately went over to Normandy, attended by a splendid retinue, and, among others, by the earl of Striguel, who, with the earl of Arundel, was by Henry appointed to convey the young princess to her spouse, probably, that he might not be at leisure to fulfil his engagements with Dermot, which to Henry were disagreeable.

Rees prince of South Wales, notwithstanding his disappointment in the person of Fitz-stephens, had not yet laid aside his thoughts of breaking with the English; and this year a kind of confederacy was formed by the Welsh princes, in which Owen prince of North Wales, Cadwallader his brother, and Rees himself, were parties. Their first attempt, after they took the field, was against Owen Cynelioc prince of Powisland, a dependent upon, and friend to, Henry. Him they drove from his estate, and divided his lands among themselves. Cynelioc, however, applied to the English for redress; and getting together a body of them and Normans, he returned to his own country, where

A. D. 1167.
Their form of
government.

History of
their civil
wars.

The king of
Leinster ob-
tains aid from
the English.

A. D. 1167.

Fitz-stephens
engages in
the expedition
to Ireland.

Henry's
daughter sent
to the duke
of Saxony.

The Welsh
gain revolt.

he

A. D. 1168. he laid siege to the castle of Caerneon, then in the enemy's hands; which, after some resistance, he took, and burnt to the ground. The confederate princes, notwithstanding, soon recovered this loss, and besieged the important castle of Rutland, which had been lately repaired and re-fortified by Henry's orders. The garrison was numerous, and made a brave defence. The Welsh, however, besieged it for two months, with patience and perseverance uncommon to their character; at last they took it, and razed it to the ground. The reduction of this castle was followed by that of several others; and the princes, having finished their conquests, returned to their own countries with great triumph.

Fitz-stephens goes over to Ireland.

In the spring of the year, 1168, Robert Fitz-stephens, in pursuance of his engagement with Dermot, embarked for Ireland with his brother Fitz-gerald, attended by thirty knights, each carrying along with him two esquires on horseback, and three hundred archers on foot, and landed in three ships at Bannough bay, not far from Waterford. Next day, Maurice de Prendergraft, another adventurer on the same footing, joined them in two ships, with ten knights more, and several foot-soldiers. This little army fortified itself within the island of Bannough, intending to lie on the defensive till they got a stronger reinforcement. But the country taking the alarm, they sent a messenger to Dermot, to put him in motion.

He is joined by Dermot.

The latter immediately advanced, and joined them with all his troops, consisting of about five hundred men; upon which the agreement they had made in England was solemnly renewed, and sealed with mutual oaths. Wexford, which, as I observed before, had been built by the Easterlings, was the nearest town of any consequence; and the English resolved to make themselves masters of it. As it lay at a distance of twelve miles, the townsmen seemed determined to cut off the English in their march, or at least force them to fight at great disadvantage. Accordingly they marched out, to the number of about two thousand; but when they came within sight of their enemy, they were so daunted by the appearance and regularity of the English troops (a sight unusual to them) that, retreating with great precipitation, they burnt their suburbs, and shut themselves up within the walls of the town. This done, Fitz-stephens immediately attempted to storm the place; but, after making a vigorous assault, was repulsed; upon which he burned all the shipping in the harbour, or on the strand. Next day the besieged, observing the dispositions of the English to renew the attack, demanded a capitulation, which was granted, on condition of their surrendering the town into the hands of Dermot, and giving hostages for their future good behaviour. Upon this success, Dermot religiously performed his agreement with Fitz-stephens and Fitz-gerald, by delivering into their hands the town of Wexford, with its dependencies. A great many, who had been secretly in Dermot's interest, now ventured

They take Wexford,

openly to declare themselves in his favour; and his army, in a short time, grew to be three thousand strong. He next marched into Offory, which was a division of his kingdom, and then held under him by a tributary prince, who, of all others, was his greatest enemy; his name was Donald; and he had the precaution to guard against all access to his country, by cutting down trees, and raising strong barricades. Dermot, finding it impracticable to force these, drew off his troops, which were harassed in their retreat by the enemy. At last, Dermot got down to the open plains, whither the prince of Offory still continued to pursue him; but the ground now gave Fitz-stephens an opportunity of acting. He immediately faced about with his horse, and charging the half-armed barbarians, gave them a total defeat; the Irish, of his party, dispatching, with their axes, those whom the English had wounded or rode over, and cutting off their heads, presented them to Dermot. This defeat obliged the prince of Offory to sue for peace, which was granted, upon his swearing fidelity, and giving hostages to Dermot.

A. D. 1168. and march into Offory,

from whence they are forced to retire;

but, in their retreat, Fitz-stephens defeats the Irish.

This success of a foreign enemy, brought in by a traitor to his country, alarmed the king of Connaught, who immediately summoned a general council of the chief men in Ireland, to consult of measures for repelling the invasion. Their resolutions were vigorous, and they determined to attack Dermot on all hands, with all their forces at the same time. This unanimity might have ruined both the English and Dermot, had the Irish known how to improve it: for no sooner was the public resolution known, than all those who, for fear of the English, had submitted to Dermot, declared against him; while many, who at first were his friends, now became his enemies, when they saw his intention was to subject them to a foreign power. Dermot, therefore, found himself abandoned almost by all but the English; and Fitz-stephens was obliged to retire to an advantageous camp near Ferns, which he fortified, so as to be proof against their rude assaults. Roderic, finding that he could not carry those works, attempted to persuade Fitz-stephens to retire, and enforced his council by an offer of presents; but all proved in vain. Roderic then sent to the other princes to hasten their supplies, and applied even to Dermot himself, remonstrating to him the wisdom, as well as justice, of joining in the common cause, to drive strangers out of the country, promising him the peaceable possession of Leinster, and to support him with all his interest. Dermot, either through natural inconstancy, or repenting of the calamities he had brought on his country, listened to the proposals: therefore, after a great many messages between both parties, a peace was agreed upon, on condition, that Roderic should remain king of Ireland; that Dermot should be restored to his principality of Leinster, and pay Roderic fealty. For the performance of those conditions, Dermot delivered up into Roderic's hands, his son Canute as an hostage; and

A general meeting of the Irish.

Fitz-stephens fortifies his camp.

A peace agreed on.

A. D. 1168. and Roderic, on his part, promised, that if Dermot continued faithful to his engagements, he would give to Canute his daughter in marriage. Such were the public articles of this treaty. The secret ones were, that Dermot should call no more foreigners into Ireland; and that, as soon as the peace of the country was established, he should send back those he had already brought.

Dermot's infidelity.

By those conditions Dermot broke all his engagements with the English; and indeed he appears to have been a faithless and unconstant prince. There is something dark in the nature of his contracts with the English themselves, which shews a high passion for revenge. His bargain with the earl of Striguel seems to have been inconsistent with that which he afterwards made with Fitz-stephens and Fitz-gerald, unless we suppose, as there is some reason to do, that the two latter acted by a commission from the earl of Striguel. His introduction of foreigners, his disinheriting in their favour his own sons, and his invasion of another prince's bed, were all of them acts of black unnaturality; and so deep a traitor, with such passions, might, in the same method he took, have effected the overthrow of a state much better regulated than that of Ireland then was.

Fitz-stephens receives a reinforcement under Fitz-maurice.

Posterity, however, might have overlooked his calling in foreigners, as an act of human impatience under misfortunes, and of resentment prompted by despair, had he now stood firm to his engagements with Roderic: but, soon after the late pacification, Fitz-stephens, who appears never to have agreed to it, was reinforced by his uterine brother, Maurice Fitz-gerald, with about ten knights, thirty horsemen, and a hundred archers on foot, who landed at Wexford. This reinforcement gave new life to Fitz-stephens, who was by no means disposed to abandon his late conquest, and had actually begun to build a castle for bridling the natives. Dermot, whose ruling passion was revenge, and who stuck at nothing to compass it, found that the English would be absolutely necessary for his purpose; he was therefore so far from standing to his late engagements, that no sooner did Fitz-gerald land, than Dermot declared his intention of marching to Dublin, and chastising the inhabitants of that city. Accordingly he raised all his forces, and Fitz-gerald was declared general in the expedition; while Fitz-stephens chose to have an eye over Wexford, and to compleat his new fortification. Again was this unhappy country made a scene of civil desolation, and all places were filled with blood, or destroyed by fire. Fitz-gerald, at last, advanced as far as Dublin, and the citizens yielded up the place, after giving security for their future good behaviour.

Dublin yielded to Dermot.

Causes of ruin among the Irish.

Those successes, which ought to have united, served to divide, the Irish. Their form of government (I mean the confederacy of their states, which of all others, when public spirit subsists, is best fitted for supporting independency against invasion) now destroyed them. That virtue which ought to have been the cement of the confederacy,

was to them unknown; and the meanest of passions, revenge, envy, avarice, effecting disunion, supplied its place. In short, Ireland fell to the English, though after a less glorious struggle, through the same vices and oversights which before delivered Britain over to the Romans. For a war now broke out between Roderic king of Connaught, and Donald king of Limeric, son-in-law to Dermot. Donald, who was the weakest, immediately called the English in to his assistance; and Fitz-stephens, at the request of Dermot, marched to his relief. A great many conflicts ensued, greatly to the disadvantage of Roderic, who was obliged, at last, to withdraw home, and resign his superiority over the other princes. This encouraged Dermot, not only to aspire to the superiority which Roderic had resigned, but to the conquest of all Connaught. This project he imparted to Fitz-stephens and Fitz-maurice; but they not chusing to risque the footing they had already acquired, told him, That the thing was not impracticable with a greater number of English forces; and advised him to press the earl of Striguel to make good his engagements, which he had hitherto failed in. We shall now return to affairs on the continent.

A. D. 1168.

Roderic driven from his command.

Before the truce between Henry and the king of France expired, the nobility of Poitou and Aquitaine shewed great signs of discontent under Henry's government, and actually put themselves under the protection of the king of France. The heads of this revolt were the earls of Angouleme, Aumery de Lusignan, with several others. But Henry, before they could receive any support from their new protector, invaded their estates, destroyed their lands, and took their castles. An interview was then proposed, and agreed upon, between Henry and the king of France. The former, therefore, leaving the administration of the newly-reduced countries to his queen and Patrick earl of Salisbury, met the king of France between Mante and Pacey; but the latter insisting on his claim of superiority, and Henry on that of possession, mutual reproaches passed on both sides, and nothing was finally concluded, excepting to prolong the peace till eight days after Midsummer. Henry demanded the absolute submission of the Poictovines; they, on the other hand, had not only thrown themselves on the court of France, but had given Lewis hostages for their good behaviour; which hostages he refused to give up, and encouraged them in their tumultuous dispositions. The effect of all this was, that the earl of Salisbury was murdered by the Poictovines, who pretended that Henry had encroached upon their liberties. This widened the breach every day. Henry's late negotiations with the princes of Germany had alarmed the French, and they used all means to embroil him with his subjects.

Henry reduces the nobility of Poitou and Aquitaine.

Ineffectual meeting between the kings of England and France.

For the inhabitants of Brittany now discovered the same dispositions with those of Poitou; they complained of the rigour with which they were treated, and the abridgment of their privileges. At last they rose

The people of Brittany reduced.

A. D. 1168. up in actual rebellion, and throwing themselves likewise upon the protection of Lewis, they gave him hostages for their fidelity; but had the precaution to make an express stipulation with him, that he should make no peace with Henry, without their consents. Henry, upon this, marched into their country, and attacked Eudo viscount of Brogaret, taking his castles, and Vannes his chief city; he then, with great rapidity, marched into Dinan, which he likewise reduced.

Another interview between the two kings.

The term of the expiration of the truce was now expired. About the end of June, or the beginning of July, the kings of England and France had another interview; but found their claims still irreconcilable, and departed without coming to any accommodation. Open hostilities now commenced, and the war was carried on very briskly on both sides. Both kings endeavoured to get over to their party the barons who held by military tenures; and Henry entered into a convention with Matthew earl of Bulloign, who was to supply him with a certain number of men. Before he could receive this supply, it was necessary that it should march through the territories of the earl of Ponthieu; but that nobleman, being in the interest of Lewis, refused him a passage, which the Bulloigners were in no condition to force. Matthew, therefore, was obliged, to his great inconveniency, to put his troops on board of vessels, and carry them by sea to Normandy. Henry, exasperated at this conduct of the earl of Ponthieu, immediately fell into his territories with fire and sword, and destroyed above forty of his towns and villages. The king of France, in revenge of this, marched into the county of Perche, which he wasted with like fury, and burnt to the ground the castle of Bruerolles, notwithstanding the advanced season of the year.

The war continues.

It is difficult to say how this war might have ended, had it not been for a favourable incident which then happened to Henry. It was now plain that the court of France had formed a design to reduce his exorbitant power, and that it had so far succeeded as to debauch great part of Henry's people from their allegiance. But the latter now began to feel the good effects of his late alliance with Saxony. For while he was this year in Normandy, there came to his court a most splendid embassy from the empire of Germany. It consisted of Henry's new son-in-law the duke of Saxony, the archbishops of Mentz and Cologne, and the bishop of Liege. The purport of their commission was to draw Henry off from the Interest of pope Alexander, on condition of which they offered to support him against the French power. Henry was too wise, either absolutely to reject or accept of this proposal. His answer to this proposal, and to the ambassadors themselves, was full of politeness and acknowledgment,

The offers of the Germans to Henry.

and he entertained them with high magnificence and respect. But his maxim, and indeed that of his family, was, never to come to extremities while matters could otherwise be made up. To have called German troops into France might have given that court a plausible handle against him, and have united the French barons to stand by their king. He therefore, politically, neither accepted nor declined the proposal, but dismissed the ambassadors, promising to examine it with all the attention it deserved, and give them a speedy answer.

This conduct had a proper effect at the French court; and certain of the clergy mediated so successfully, that Lewis readily agreed to a scheme of pacification, which a little before Christmas reconciled both parties, and they consented to have another personal interview at mount Mirial, at the feast of Epiphany, in 1169. Here every thing was settled and concluded; and Henry, the prince royal of England, did homage to the king of France for the earldoms of Anjou and Maine; while the latter conferred upon him the dignity of seneschal of France, which belonged to the earldom of Anjou. Soon after, the prince of England went to Paris, and entered upon the exercise of his office in the court of France. It was stipulated by the same treaty, that Richard, the king's second son, should be invested in the duchy of Aquitaine (1), for which he was to do homage to the king of France, and to marry Alice, second daughter to the same king. Another article of that treaty related to the Poictovines and the Bretons, whose grievances were removed, and themselves reconciled to Henry. Another article regarded the archbishop of Canterbury; and it was agreed, that the controversy between Henry and him should be referred to the arbitration of Lewis.

Peace between Henry and Lewis.

A meeting accordingly was appointed, in which the kings of France and England and the archbishop were present. The latter again offered the clause, saving the honour due to God; which Henry, with great justice, said, was an evasion, that, on all occasions, would serve his turn, and raise matter of fresh dispute whenever the archbishop pleased; concluding with this memorable proposal, addressing himself to the king of France. "Sir, there have been many kings of England of less power than I possess; there have been many former archbishops of Canterbury, much greater and holier than Thomas Becket; yet I will be satisfied, if he will consent to make the same submission to me, which the greatest and most holy of his predecessors have made to the weakest and least powerful of mine." This frank declaration had great effect on all present; and the king of France saw so much of Becket's character,

A meeting between the king and the archbishop.

(1) There is somewhat original in the address of Henry to Lewis upon this occasion, and I cannot help giving it to the reader as a specimen of the politeness of that age.—At which time the two kings, with the great men of both kingdoms, met at mount Mirial, to conclude the aforesaid peace; and it being at length finished, king Henry spoke thus to the king of France: "My lord the king, this being the day on which the three kings offered gifts to the King of Kings, I likewise commend my sons and territories to your protection." To whom the king of France thus answered: "Since the King of Kings did now, as on this day, graciously receive their gifts, let your sons afford us their presence, and they shall from us receive the territories they would possess." Tyrrel.

A. D. 1169.
which proves
ineffectual.

that, when the meeting broke up, he departed very much dissatisfied with the archbishop's conduct. But the latter soon found means to reconcile himself, and to regain the good graces of Lewis more than ever. He knew Henry's ambition and overbearing disposition too well, to believe him sincere in his late reconciliation with the Poictovines and Bretons. He, therefore, had kept a secret correspondence with both those people, and intimated to Lewis, in general terms, that he was very much deceived in Henry's character, if he imagined that he intended to keep the late peace of mount Mirial any farther than his convenience served. Lewis, at first, thought this was the effect of pique and resentment in the archbishop; he, therefore, disregarded the intimation, and the archbishop fell into universal detestation with the courts both of France and England. But he now received certain information, both from the Poictovines and the Bretons, that Henry had broke every article, so far as regarded them, of the treaty of mount Mirial. Becket secretly laid this before the king of France at large, and made him fully sensible of all Henry's views, conduct and character. This gave Lewis a very high opinion of the archbishop's discernment, and he expressed it in so public a manner, as to amaze all his court at the sudden change, and to give the monkish writers, the favourers of the archbishop, a handle for ascribing it to a miracle wrought in favour of that holy man.

Cervase.

Becket in great
favour abroad.

A little time, therefore, raised Becket more high than ever in the favour of the courts of Rome and France; and excommunications went on so briskly, that the king scarcely had a servant about his person who was not under an interdict. Henry, however impious, was certainly religious. He had the weakness to be touched with this; and his courtiers being of the like dispositions, he wrote a letter this year to the pope, desiring absolution for all those who had been excommunicated by the archbishop as his followers. This letter is extant in Mr. Rymer's collections, under the title of a threatening rescript; but I think, considering its manner and contents, with little propriety. The altercations between Henry and the court of Rome are too particular for the body of this history. It is sufficient to say, that in all the king's concessions to the archbishop, he entered a salvo, with regard to the honour due to his crown, which Becket very properly suggested, was liable to the very same objection as his salvo was with regard to the honour due to God. But Henry was not now in a condition to support his former spirit. The interdicts began to have a very sensible effect to his prejudice; and his late breach of the articles of the treaty of mount Mirial had exasperated the court of France to such a degree, that he was afraid of a general league against him.

Henry's dissimulation.

As no man knew how to stoop with more art than Henry did, he chose to avoid this storm by a seeming sincerity to have all differences between him, the archbishop, and

the court of Rome, made up. For this purpose, under pretence of a pilgrimage to St. Dennis, he surprized the king of France with a visit at mount Martre, near Paris. Their conference turned upon the difference between Henry and the archbishop; and Henry, that he might conciliate the favour of the French, artfully declared, in presence of all that court, that he was willing to refer all the differences between him and Becket to the judgment of the French barons in the council of Paris, or to the judgment of the Gallican church, or to that of a certain number of learned men, collected from different quarters. These offers were so plausible, that Henry, in a great measure, regained the public favour. On the other hand, the king of France, who was highly interested in keeping up the differences between Henry and Becket, demanded from the latter the precise terms upon which he was willing to be reconciled. These being drawn out in writing, were as follow:

That the king, for the good of his soul, Gervase, Tyrrel, Brady. would receive him again into his favour, according to the pope's command.

That he would grant him, and all those who were banished the kingdom on his account, peace and security for themselves and their estates, without any evil or sinister meaning.

That he should restore to him the church of Canterbury, and all the possessions thereto belonging, in the same state of freedom and liberty as he had ever enjoyed them since he was promoted to the archbishopric.

Lastly, That the king should permit him to dispose of all benefices and prebends thereunto belonging, and that had become vacant since his leaving the kingdom, as he should think fit.

Henry agreed to those propositions, all but the sum to be given for the bishop's indemnification, which he brought so low as a thousand marks; and the last article, which was given up by the archbishop himself. But Becket knew that Henry's submission and concession were merely forced and insincere; therefore, after every thing was adjusted to the apparent satisfaction of all parties, the archbishop demanded security of the king for the performance of his engagement. To give the better colour to this demand, he pleaded the pope's orders for making it; but the peers of France, who seem to have been sincerely disposed to make up matters between both parties, remonstrated to Becket, that demanding caution or security from his king, betrayed both distrust and disregard. They added, that it was sufficient that Henry should give him the kiss of peace, as the seal of his sincerity. The archbishop professed himself ready to accept of that; but, when it came to the trial, Henry, after many evasions, refused to grant it, giving this very frivolous reason, that he had once, in a passion, sworn never again to kiss the archbishop. This gave a sudden turn to the sentiments of the assembly. All Henry's concessions and seeming compliance were now looked upon as the arts of dissimulation

A. D. 1169.

Is discovered
by the court
of France.

A. D. 1169.

mulation and imposition upon the public; the more easily to effect the archbishop's ruin. Becket did not fail to improve these dispositions, and accordingly the meeting broke off, without coming to any agreement.

Henry was sensible that the archbishop, by the late interview, had got great advantages over him, and that his real intention could be now no longer a secret. His great care was to prevent the application of the court of France to the pope, which he knew was making by the bishop of Sens, from having any effect in his regal dominions. Accordingly he sent over very strict injunctions into England against the publication of any (1) interdicts, with severe penalties upon any concerned, either laymen or clerks: and, by the same proclamation, all appeals to the pope were prohibited.

These articles, which the reader will find in the notes, were followed by a very arbitrary measure of the king; for he ordered the sheriffs of England to issue summonses for all the knights and freeholders within the respective counties to repair to the county-court, and there to swear to the observation of the articles contained in this rescript. This oath, says Gervase, was taken by all England, from decrepid age even down to boys. But certainly, though the measure was, of itself, good, the manner of carrying it through was both unjust and unconstitutional. Accordingly we find it was properly resented by the ecclesiastical peers, who, in a great council, unanimously refused to submit to the taking any such oath, or even to recommend the taking it to the people. But it is now time to return to the affairs of Ireland.

State of affairs between Henry and the earl of Striguel.

The earl of Striguel was, of all Henry's subjects, the most obnoxious to him. The greatness of his quality, and the situation of his estate on the borders of Wales, together with the connections he had entered into with Dermot, joined to his own abilities and ambition, made Henry look upon him with a jealous eye, and not only take every opportunity of throwing obstacles in the way of fulfilling his engagements with Dermot, but, upon various pretences, had taken from him great part of his paternal estate. The earl, however, being strongly solicited by Dermot, upon the receipt of his letters, went to Normandy for leave from Henry to fulfil those engagements, into which he had entered by virtue of the royal brief: adding, at the same time, that it was unjust of the

king to strip him of his fortune in England, and to prevent his making it in another country. Henry, not chusing to come to extremities with the earl, seemingly complied, the rather because the season was too far advanced for the earl's doing any thing that year; and, because should he attempt it the next, that he, the king, would be in England, and at hand to prevent his making any formidable progress. The earl, however, notwithstanding Henry's coldness, took this verbal licence for sufficient authority; and being in no condition to go himself over in person, he sent a young kinsman of his, one Raymond, with ten knights and seventy archers, who landed about four miles from Waterford, under a rock, called Dundolf, where they began to raise a small castle of wood and turf. This assistance, though small, gave great satisfaction to Dermot and his party, as it was an earnest of the earl's inclinations to assist him more effectually, as soon as it should be in his power.

The citizens of Waterford, at once disliking and despising their new guests, thought of cutting them off before they could be joined by any of their allies. With this view they marched out of Waterford, about three thousand strong, and passing the river Swere, advanced against the fort. Raymond, full of youthful spirits, boldly sallied out to meet them, probably for fear they should cut off his communication with his friends; but, unable to support the prodigious odds of numbers, he was driven back to his works. The Irish, elated with this success, followed Raymond so very close, that they entered the castle along with him. But Raymond, with great presence of mind, faced about, and used the superiority of his arms and address so well, that he killed, in the passage, several of his most forward pursuers, and thereby gave his men leisure to rally, and come to his relief. The fight was now renewed, and the Irish, as often happens in the like cases, were seized with such a panic, that they fell into a total rout; and, according to my authority, no less than five hundred of them were killed in the pursuit, while forty of the most eminent citizens were taken prisoners. Thus far did the enterprizes of the English prosper; but they were now stained by a shameful act of cruelty: for, instead of generously giving the prisoners their liberty, and perhaps, thereby, of reconciling them to the English; or wisely making the delivery of Waterford the ransom for their liberty, a resolution was

The latter sends forces to Ireland,

who defeat the Irish.

(1) The first injunction was, That if any person whatsoever, after the feast of St. Dennis, was found bringing over or publishing the pope's or the archbishop of Canterbury's letters, or any command on their behalf, containing an interdict, he should be seized, and justice done upon him, as a traitor to the king and kingdom.

If any bishops or abbots, or any clerk or layman, should observe the sentence of this interdict, they and all their kindred should be immediately banished the land, and all their chattels and estates confiscated to the king's use; and that all clerks, who had estates either within England or without, should be summoned through all counties; that if they returned not by the feast of St. Hilary, all the revenues should be seized into the king's hand.

No appeal was to be made to the pope, nor the archbishop of Canterbury, nor any plea to be held by their command; and if any one, after the feast of St. Dennis, should be found guilty of this offence, he should be secured, and all his chattels and possessions taken into the king's hands, of what order or condition soever he were.

If any clerk, canon, or monk, of any order whatsoever, came from beyond sea, he should be searched; and, though nothing were found upon him, unless he have the king's pass, he should not go any farther, but return as soon as possible; and if any such forbidden thing, as aforesaid, was found about him, he should be taken and imprisoned.

The next absolutely prohibits all clergymen from coming over into England without the king's pass.

If any Welsh clerk landed in England without the king's pass, he was to be seized and put in prison; and all Welshmen in English schools, or universities, were to be banished. Tyrrel.

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taken, first to break the bones of the prisoners, and then to throw them headlong from a rock into the sea. Those detestable orders were executed much contrary to the sentiments of Raymond, and at the instigation of Harvey of mount Maurice, who pretended, that the severity of the measure would strike so much terror into the other Irish, that they would not dare to venture another attack before they received a reinforcement either from England, or their friends in Ireland. It is more than probable that Raymond was, by this time, joined by Fitz-stephens and his brother; for we read of no farther attempts by the Irish for some time.

instantly abandoned by its foreign commander and garrison. For they, more intent on saving their own effects, than upon the protection of the city, finding the English in possession of the works, marched down to the river, and going aboard their ships, in which they had already stowed their most valuable effects, set sail for the western islands. Thus the capital of Ireland fell into the hands of the English, through the cowardice and treachery of their enemies. But, from the relation we have of this conquest, it is very suspicious that a secret correspondence had been entered into between the garrison and the English, especially when we reflect, that the city was taken during the dependency of a treaty.

He takes Dublin.

The earl lands in Ireland,

and takes Waterford.

About the latter-end of August the earl of Striguel had been so indefatigably active, that he was in condition to put to sea with two hundred men at arms, or horsemen, and about a thousand foot, who all landed at Waterford. The third day after they came on shore, they assaulted that town, and, after two repulses, they carried it at the third attack. A great number of the citizens were put to the sword during the sack, and Mac-laghlan, prince of Ophaly, with one Reginald, a man of some eminence, were taken prisoners. A proposition, according to the barbarous customs of the times, was made to put those prisoners to death; but they were saved at the intercession of Dermot.

Miles Cogan was, by Dermot and the earl of Striguel, made governor of Dublin, with a proper garrison, and the army then fell into the county of Meath, which it destroyed with fire and sword. The English proceedings are not to be vindicated here, since they were in express breach of the convention between Roderic and Dermot, under whose authority they pretended to act. Roderic did not fail, by his messengers, to reproach Dermot with his breach of faith: adding, at the same time, that if he proceeded in his infractions of the late treaty, he would send him the head of his son. But Dermot, whose engagements with the English, joined to his lust of revenge, had rendered deaf to all the calls of nature, was so little affected by this menace, that his answer was, He never would lay down his arms till he had conquered the kingdom of Connaught, and was chosen the chief king of Ireland. This so much exasperated Roderic, that he actually cut off the head of Dermot's son, and prepared to resist the invaders.

and invaded the county of Meath.

Roderic beheads Dermot's son.

The English in Ireland join in a body.

He marries the daughter of Dermot.

The conquest of so considerable a place as Waterford, gave a new turn to the English interest in Ireland. Fitz-stephens, Fitz-gerald, and Raymond now advanced to join the earl of Striguel, and all together they made a body, though not considerable, yet sufficient for effecting what they proposed. The earl now claimed Eve, the daughter of Dermot, in marriage, pursuant to the original contract between them. The son of Dermot, the principal objection to this contract, was then in the hands of Roderic, to whom his father, with a view perhaps of facilitating the performance of his engagements with the English, had delivered him as a hostage. Dermot, therefore, without any scruple, agreed to the marriage, which was celebrated with great solemnity in Waterford. A resolution was then taken of marching in a body to Dublin, which it seems had now thrown off the yoke of Dermot, and had, in expectation of being besieged, called in a great number of the people, and fortified all avenues and approaches to the city. The garrison itself was commanded by one Hattulf, a Dane, or Norwegian, and a soldier of fortune; but Dermot conducted his marches so well, by keeping along the mountains of Glindelachan, that he escaped all the ambuscades which had been laid for him, by the Irish, in the low and woody lands, and brought his army at once up to the gates of Dublin. His unexpected arrival struck the inhabitants with consternation, and a treaty was set on foot by the mediation of Laurence the archbishop. While the conferences were depending, but the terms unsettled, Raymond, and Miles Cogan, a brave soldier, with a body of select troops, gave so vigorous an assault to the city, that it was

These successes of the English in Ireland were as unexpected as they were disagreeable to Henry. The expedition of the earl of Striguel into Ireland had been undertaken much upon the same principle as that of his great-grandfather into England. An English prince independent there, with a great following in England itself, might have been as formidable to the crown of England, as the Norman race, under himself and his predecessors, had been to that of France. If we attend to the form of the brief granted by Henry to Dermot, we shall find, that it extends only to a permission for his subjects to assist Dermot in recovering his own kingdom. This end had already been answered; but, not satisfied with that, one of his subjects had not only got himself declared heir apparent to all Dermot's dominions, but was actually assisting him to make himself master of all Ireland; by which, upon Dermot's decease, he must have succeeded to a power inconsistent with Henry's safety. Henry, therefore, cannot be blamed in endeavouring to give an early check to this ambition. Accordingly, about the end of September, he issued forth an edict, prohibiting all farther aid to be sent from England into Ireland; and, at the same time,

Henry's dislike of the English victories in Ireland.

[Giraldus Cambrensis.]

His edict recalling his subjects thence.

A. D. 1170. expressly requiring all his English subjects to return to England by Easter, 1170, under pain of being disinherited and banished for ever. The earl of Striguel's warm imagination, flushed with success, had not suffered him to dream of this measure; but he endeavoured to ward it as well as he could, and, for that purpose, sent Raymond to expostulate with the king upon his late edict. This nobleman's orders were, to behave with great submission to Henry, and to insinuate, that as he had undertaken the expedition by the king's leave, so he was willing to abandon it at his command, and to return home on the first notice. Henry knew that nothing could happen so disadvantageous to his views, as an evacuation of Ireland would prove at that time, therefore gave no answer to this mark of deference. And thus the affairs of the English in Ireland remained, for some time, in a doubtful inactivity.

History of the
Welsh at this
time.

Some revolutions happened in Wales this year; for Owen, the active prince of North Wales, having held his government even to old age with merited reputation and success, now died. His eldest son Jordwerth Drwyn-den was, by the people, held unfit for government, and a natural son Howel intruded himself into the administration; but Jordwerth's lawful brother David, who could not brook to see the government in the hands of a bastard, got together an army, which gave battle to Howel, who fell in the fight. Jordwerth, however, had a son, who claimed the principality which belonged to his father by blood, and therefore, after invading, he deposed his uncle.

Henry's pre-
cautions in
Normandy.

Henry, this year, kept his Christmas at Nants, where he was attended by his son the earl of Brittany. As his affairs now absolutely required his presence in England, he therefore endeavoured to guard against all accidents in France during his absence. For this purpose he and his son undertook a progress through the chief castles of his dominions, obliging all his subjects, great and small, who had not yet sworn fealty and allegiance, to make their submissions. It required two months to do this. He then went into Normandy, where he took all precautions to prevent any disturbance in his absence; and, towards the beginning of March, he set sail for England. Happening to meet with a great storm, he was in imminent danger of his life: he escaped, however, himself; but lost between four and five hundred of his retinue, who were drowned.

He comes to
England,

where he
holds a par-
liament.

The first parliament, or council, which Henry held after his arrival, was at Windsor, on Easter, 1170. His long absence in Normandy had occasioned many abuses, both in the government and the finances; and to remove them, was a matter of very serious consideration. Not only all the great English barons, and chief military tenants were present at this council, but William king of the Scots, and his brother David. It was very plain, from many instances, that, as I have before hinted, the looseness of the

manner in which fees were invested, had given occasion to many frauds, both with regard to tallages and services; and that the royal revenue had been much diminished since the days of the Conqueror. This could only be remedied by a strict inquisition into all the abuses. Accordingly, certain earls, knights, and clergymen were empowered, by a commission from the king, to make a circuit all over the nation. Their business was to exact security and pledges of all sheriffs, who had been in office for four years past, during which time the king had been in Normandy; and of all bailiffs or ministers, whatsoever bailiwick or charge they had under them; and of all those who had the hundreds of barons in any county, either in farm or not, to appear before the king, at a day to be prefixed to them, that they might do that right they owed to him, as his subjects; and likewise the same sheriffs, if they could not appear personally before the king, they were to send persons who were to be answerable for them, and to give security and pledges both for their principals and themselves, that they would do in like manner as above. An old historian has given us the articles of their commission, which, as they throw great light on the history of England at that time, I shall here transcribe:

Commis-
sioners of in-
quest appoint-
ed.

[Gervase.]

I. First of all, they were to enquire of the sheriffs and their bailiffs, what, and how much, they received of every hundred, and every township, and every particular man, since the king went last into Normandy, by reason whereof the nation or particular men might be grieved; and what they took by the judgment of the county or hundred, and what without it; and what appeared to be taken by the judgment, &c. (that is, lawfully) was to be written and noted by itself; and what was taken without judgment, &c. (that is, unlawfully) was also to be written and noted by itself; and of all their takings they were to enquire the cause, and with what testimony or authority they took any thing from any man.

Their com-
mission.
[Gervase, Bra-
dy, Tyrrel.]

II. Also that they were to enquire what lands, and how much the sheriffs had bought, or received in mortgage, or were pawned to them.

III. Also they were to enquire of the archbishops, bishops, abbots, priors, earls, barons, vavasors, knights, citizens, burghesses, and their seneschals or stewards, bailiffs or ministers, what, and how much, they have received in their lands, after the term aforesaid, of every of their hundreds, townships, or their particular men, by judgment or without it; and all the prizes or takings, the causes and occasions of them, they were to be written and noted distinctly.

IV. Also they were to enquire of all those that, since the time aforesaid, had any bailiwick (that is, charge or employment) under the king, concerning an archbishopric, bishopric, abbey, barony, honour, or escheat, what, and how much, they gained in that employment.

V. Also

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V. Also they were to enquire of the king's bailiffs or officers, who managed his business, what, in any place, had been given to them.

VI. They were to enquire concerning the goods of such as fled by reason of the affize of Clarendon, and of the goods of such as suffered by it; what was done and received of every hundred, township, or man. They were to enquire whether any one was unjustly accused in that affize, for reward, promise, hatred, or any unjust way; or if any one accused was released, or his judgment reversed for reward, promise, or affection, and who received the reward. They were to enquire concerning the aid to marry the king's daughter; what was received in every hundred, in every township, and of every man, and who received it.

VII. They were to enquire what, and how much, the foresters took, their bailiffs, or ministers, or servants, after the time aforesaid, in their bailiwics or liberties, after what manner, and upon what occasion; and if, by connivance, they omitted to exact what was due to the king for any reward, promise, or friendship; and of the forfeitures of forests, and of such as forfeited in the forests, concerning harts, hinds, or other wild beasts; and if the foresters, or their servants, took any man, or did, upon accusation, take security and pledges for him, and then released him without justice. They were to enquire who did these things, and to note them.

VIII. And all that were accused of any fault, were to give security and pledges to appear before the king, on the day they should appoint, to do such right to the king and his subjects as they ought to do; and such as had no pledges, were to be imprisoned.

IX. They were to enquire if the sheriffs, or any of their bailiffs, or lords of towns, or their bailiffs, had returned any thing they had taken, or had made their peace with their men, or tenants, or vassals, to stop their complaints from coming before the king.

X. They were to enquire who had been amerced, and if any one had been excused or abated any thing of what he was first amerced, and by whom it was done.

XI. They were to enquire, in every archbishopric, what, and how much, and for what cause, the archdeacons or deans (rural deans) took of any one, and the whole was to be written down and noted; and they were to enquire who owed homage to the king, and had not done it to him nor his son, and there was a roll to be made of them.

As this commission was of an unusual nature, it is not at all understood by our historians, little by our lawyers, and only imperfectly by our antiquaries. Sir William Dugdale, an author of eminence in juridical and baronial antiquities, has, from Gervase of Canterbury, given us the names of several of those commissioners, and has marked them, as being the first itinerary justices ever known in England. His great authority has led many others into the same mistake; it

may be therefore proper to clear up this point, which is of such importance to our constitution. The kings of England were, in their own persons, the fountains of justice; but multiplicity of business necessarily introduced deputations in judgment. In the more early times after the conquest, while the great feudal baronies subsisted, the matters which came before the king's court were uncommon and important; and therefore the king himself, or his justiciary, sufficed to discuss them. The reason of this unfrequency was as follows: The courts of great baronies were so many epitomes of the king's great court. The barons had, as the king, their capital seats, where their courts were held; with their stewards, their butlers, their marshals, their chamberlains, and other officers, both of their court and household, some of which, under the most powerful barons, were hereditary. The lord of the barony consulted those officers (or, if the reader pleases, the peers of his barony) in most of their solemn acts of donation, investiture, and the like; and they had, within their fees, other courts for the administration of justice to their tenants and vassals. Notwithstanding the great influx of Normannic laws and customs after the conquest, yet, as the bulk of the nation still remained Anglo-Saxon, there was a necessity of retaining the Anglo-Saxon manner of proceedings, in the more minute matters of judicature. The conveniency of this, prevented any great recourse to the king's court; and the power of the great barons was such, that, for a long time, as I have just hinted, their tenants and vassals seldom ventured to make an application to the king's court. But here I must venture to be a little singular in my opinion, with regard to the relation between the king's court and that of his barons: for, though there certainly was a personal dependence of the latter upon the king, and though cognizance of all differences between the peers of the king's court properly lay before the king or his justiciaries; yet, by the original nature of fees, it appears to me, that, in matters of property, the baronial court was absolute within itself, and that no regular process of appeal lay between it and the king's court. As to county courts, almost the same observation may be made, with this difference, that they were not so properly feudal, as baronial courts were; the criminal process which came before them, being generally, if not always, determined by Anglo-Saxon process. It must be owned, that it is hard to discover by what means causes were originally carried from baronial or county courts, into that of the king; but it is certain, this practice obtained so high as the Conqueror. But then, I repeat it, this was done by no regular process of appeal. If I might hazard a conjecture, the king first saw the necessity, and then the profit, of it. The great barons were too big for the justice of the lower courts, and it was necessary that an asylum should be opened, to protect the weaker against the stronger. But as power generally expects retribution for protection,

Constitution of baron courts.

Conjecture upon the connection between them and the king's court,

and upon the original of carrying causes from the baron and county courts into the king's.

Examination of their powers. Error of Sir William Dugdale. Orig.

A. D. 1170.

and as venality (if I may be allowed the expression) often mixes with justice itself, the Norman princes (for I cannot find that the same custom prevailed in other foreign feudal courts) required all parties, suing to the king's court, to pay fines for their licences to bring it thither. From those fines a considerable revenue accrued to the crown; and hence arises that phrase so well known in common law, of purchasing a writ, and other emoluments in law proceedings, plainly arising from this principle.

The frequent absence of our kings, since the conquest, in Normandy, the abuses which had been introduced into their delegated power, the greatness of the barons, and the variety of the oppressions, together with several variations from the original feudal system, introduced many deviations from that simplicity of judicature known to more early times, when the king and his justiciary, and perhaps some of his principal peers, were sufficient to dispatch all the business that came before his court. But this is to be restricted to causes of ordinary importance, such as points of property between barons: for matters of greater weight, such as political transactions, forfeitures, or the like, required fuller assemblies. And here I must observe a mistake in a great modern antiquary, which I should not touch upon, were not his authority dangerous, because, in such matters, it is generally looked upon as decisive. He says, that he thinks there are no notices of any such court as the king's court in England, during the Anglo-Saxon times. It is surprizing so learned a man should be under this mistake, after the many particular instances, especially the famous trial of Godwin, met with in the Anglo-Saxon history. It is true, the precise bounds between the civil and criminal capacity of judges was not perhaps distinguished in that court; but the reason of this was, strictly speaking, because, at first, in all, and afterwards, in most, cases, criminal matters were resolved into property, and therefore came to be civil by the commutations admitted in cases of blood, and other breaches of the peace. But to return.

Error of Mr. Maddox.

King's courts under the Saxons in England.

See p. 303.

As differences among subjects encreased, so there was a necessity of the king's encreasing the number of his judges. The resort to the king's court was found extremely inconvenient for the subjects. This court indeed was not local, but personal, and was held wherever the king or his justiciary resided; hence came the expression of the king's court at Westminster, Northampton, York, and the like. But it was found expedient more certainly to fix its residence, and likewise to introduce an itinerant capacity of judgment, in which justiciaries might act. These itinerant justices were not indeed vested with the power of judging in all cases in the last resort, that still being reserved to the king's court. Notwithstanding this, their authority was very extensive; they determined pleas of the crown, and common pleas; they assessed tallages and aids, and admitted the subjects to make conventions, fines, and oblates in their several circuits. As to their persons, they were generally the same with the justices of the king's court resident, which gave them great credit among the people. The time of those justices itinerant being appointed is uncertain; but that the commissioners appointed upon the inquest we have already mentioned were not justices itinerant, and the first of that denomination, as Sir William Dugdale asserts they were, amounts, I think, to more than conjecture. It likewise appears, from the rolls, that the appointment of those justices itinerant was not so late as the sixteenth of Henry II, which falls in with the year we now treat of. We have the names of justices itinerant so far back as the reign of king Stephen; nay, of Henry I, if the great roll of the Exchequer, as there is reason to believe it does, refers to the reign of Henry I, instead of the fifth of Stephen. We have likewise the names of the justices itinerant of the twelfth, the fifteenth, and sixteenth of Henry II, by which it appears, that the persons in this commission are not named among the justices itinerant of those reigns, and were no other than inquisitors into particular facts; but, for all this, the reader must consult the notes (1). It is true, the inquisitors

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The nature and original of itinerant justices.

Mr. Maddox Hist. Exch.

(1) In the reign of king Stephen, the persons hereunder-named were justices itinerant, to hear and determine criminal and civil pleas in the several counties hereunder specified; to wit: In the counties of Nottingham and Derby, G. de Clinton and Ralph Bassett; in Wiltshire, the same persons; in Yorkshire, W. Espec, Eustace Fitz-john, and G. de Clinton; in Northumberland, W. Espec and Eustace Fitz-john; in Huntingdonshire, Surrey and Essex, G. de Clinton; in Hertfordshire, Richard Bassett; in Kent, G. de Clinton and Henry de Port; in Sussex, Richard Bassett and G. de Clinton; in Staffordshire, G. de Clinton, Miles of Gloucester, and Pain Fitz-john; in Gloucestershire, Miles of Gloucester and Pain Fitz-john; in Leicestershire, Norfolk and Suffolk, G. de Clinton and Richard Bassett; in Buckinghamshire and Bedfordshire, Ralph Bassett and G. de Clinton; in Warwickshire, G. de Clinton; in Lincolnshire, G. de Clinton, W. de Albini, Ralph Bassett, and Richard Bassett; in Berkshire, G. de Clinton; in Carlisle, or Cumberland, W. Espec and Eustace Fitz-john. And in the same year the persons hereunder-named were justiciars of the forest in the counties hereunder-mentioned, viz. In Dorsetshire, Robert Arundel and his companions; in Yorkshire, Walter Espec; in Huntingdonshire, G. de Clinton; in Essex, W. de Albini and his companions; in Staffordshire, Miles de Gloucester; in Norfolk, Ralph Bassett; in Devonshire, Robert Arundel; and in Cornwall, Robert Arundel and his companions.

In or about the twelfth year of king Henry II, the justices itinerant, for criminal and common pleas, were earl Godfrey and Richard de Luci, in the counties of Lincoln, Buckingham and Bedford, Norfolk and Suffolk, York, Nottingham and Derby, Stafford, Warwick and Leicester, Northumberland, Cambridge and Huntingdon, Surrey, Kent, Essex and Hertford; and Richard de Luci in Carlisle. And in the same year, Allan de Nevill was justicier of the forest in all or most of the counties of England. In the thirteenth year of king Henry II, earl Geoffrey and Richard de Luci were justiciars itinerant for pleas of the crown, and common pleas, in the several counties following, viz. Norfolk and Suffolk, Sussex, Lincolnshire, Northumberland, York, Buckingham and Bedford, Northampton, Nottingham and Derby, Essex and Hertford, Warwick and Leicester, Cambridge and Huntingdon, Kent and Surrey; in Carlisle, Richard de Luci. In the same year, Allan de Nevill was justicier of the forest in the counties of Berks, Lincoln, Stafford, Salop, Worcester, Hereford, Northumberland, York, Buckingham and Bedford, Northampton, Rutland, Wilts, Nottingham and Derby, Gloucester, Warwick and Leicester, Cambridge and Huntingdon, Southampton and Devon. In the fourteenth year of that king, there were justices errant, to wit: In Essex and Hertfordshire, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and William Bassett; and in Lincolnshire, the three persons last above-named; and others in other counties. In the same year, Allan de Nevill was a justice of the forest. In the fifteenth year of king Henry, Guy the dean, William Bassett, and Reginald de Warren, were justices

D. 1170. inquisitors are, by Gervase of Canterbury, termed barones errantes, or itinerant barons; but, by this expression, nothing more can be understood than commissioners at large; the word barones, in old authors, being applicable to many denominations besides that of justiciary.

Effects of the inquisition. It appears, that this inquisition was attended by great effects. The time in which it was to be made, was to commence from the 14th of June; and the measure itself being entirely new, it struck great consternation into all parties concerned. Many of the sheriffs, and other officers, were severely fined, and, according to my authorities, most of them displaced.

Henry's design to crown his son. But the reader is to observe, that though this inquisition was in itself an act of prerogative, and constitutionally so; yet the judgments that followed were by virtue of a great council. For Henry having held his court at Windsor, it is more than probable that he there acquainted it with the design he had on foot; for we find that it was adjourned to London for the 14th of June. But Henry, at this time, had another great design on foot, which was the coronation of his eldest son, who was now come from Normandy, and knighted by his father. It was a new thing for England to see a young prince vested with regal power in the life-time of his father; and nothing was so proper to pave the way for such a measure as the inquisition I have just mentioned. All England, the smallest, as well as the greatest, were parties to it in some respect or other. Some were awed by fear, but most were filled with hopes from it. Thus Henry could meet with but little opposition. The meeting itself was full, and perhaps the most numerous of any of that kind ever known in England; it was therefore the more proper for executing this great measure of crowning his son.

The reasons which determined Henry for it, seem to have been the little regard paid by the English to oaths of eventual fealty in the case of his mother Matilda, and the example of Lewis the Gros, king of France. No objection was made, and the only difficulty was, with regard to the prelate who was to perform the ceremony. It was understood to belong to the archbishop of Canterbury;

but, on this occasion, it fell to the archbishop of York, assisted by the bishops of Durham and London, and in presence of the other English prelates. The ceremony being over, William king of the Scots, and his brother David, with all the earls, barons, and frank tenants of the kingdom, swore immediate fealty and allegiance to the new king. But young Henry appears to have been of an insolent disposition; and, in reality, his exaltation was owing as much to his father's indulgent weakness, as to true policy: for the latter demeaned himself so far, that when the coronation was over, he insisted upon serving up the first dish to his son's table. This condescension being taken notice of to young Henry by the archbishop of York, that prince pertly answered, That it was no such mighty degradation in his father, who was the son of an earl, to serve him, who was the son of a king.

It is remarkable, that Margaret of France, wife to the young king, was not crowned along with her husband. This highly irritated her father, who threatened to break into Normandy with fire and sword. Henry, upon this, as soon as he decently could after the coronation was over, went to Portsmouth, where he arrived on Midsummer-day. Before he set sail for Normandy, he gave full powers to his son, under a new seal, to execute all acts of regal and independent authority; then setting sail, he arrived safely in Normandy. Hostilities had not there been as yet committed by Lewis; and, by the mediation of friends, an interview was held by the two kings at Vendour in Maine, on the twenty-second day of July, where all differences between them were adjusted.

Henry then returned to Normandy, where, about the tenth of August, he fell so dangerously ill, that he was generally reported to be dead. While he lay sick, he made his testament: by it, he bequeathed to his eldest son, king Henry, all the hereditary possessions of his family, viz. the kingdom of England, with the dukedom of Normandy, and the earldoms of Anjou and Maine; his son Richard had the dukedom of Aquitaine, and all its dependencies; Geoffrey was confirmed in the earldom of Brittany; and John had the earldom of Mor-

A. D. 1170.
Young Henry crowned.

His insolence.

Henry's difference with France made up.

He falls sick.

Henry makes his will.

justices errant in Lincolnshire; in Warwick and Leicestershires, the archdeacon of Poitiers, Guy the dean of Waltham, Reginald de Warren, and William Bassett; in Suffex, the same persons; and in the counties of Cambridge and Huntingdon, the same persons; in Surrey, London and Middlesex, the archdeacon of Poitiers, Guy the dean, and Reginald de Warren; in Yorkshire, earl Geoffrey and Richard de Luci; in Northamptonshire, the same persons; in Staffordshire, Guy the dean, and William Bassett; in Gloucestershire, the same persons; in Norfolk and Suffolk, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and John Cumin; the same persons in Wiltshire; in Devonshire, the same persons, with Gervase de Cornhill; justice of the forest this year, in all or most of the counties in England, Allan de Nevill. In the sixteenth year of king Henry II, the persons hereunder-named were justices errant in the several counties, to wit: In Norfolk and Suffolk, the archdeacon of Poitiers, Guy the dean of Waltham, Reginald de Warren, William Bassett, Oger the dapifer; in Middlesex, the archdeacon of Poitiers, Reginald de Warren, and Guy the dean; in Northamptonshire, the archdeacon of Poitiers; in Cumberland, William Bassett, Allan de Nevill jun. Robert de Stuteville, and Hugh de Morevill; in Yorkshire, Allan de Nevill jun. and William Bassett; in Northumberland, William Bassett and Allan de Nevill jun. Robert de Stuteville and Hugh de Morevill; in Wiltshire, Allan de Nevill, Reginald de Warren, and John Cumin; in Berkshire, Allan de Nevill jun. in Gloucestershire, Allan de Nevill, Guy the dean, William Bassett, and Allan de Nevill jun. in the counties of Nottingham and Derby, Allan de Nevill, William Bassett, and Allan de Nevill jun. in the counties of Warwick and Leicester, William Bassett and Allan de Nevill jun. in the counties of Cambridge and Huntingdon, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and William Bassett; in Devonshire, Reginald de Warren, John Cumin, and Gervase de Cornhill; in the counties of Essex and Hertford, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and William Bassett; in the counties of Dorset and Somerset, Reginald de Warren, John Cumin, and Allan de Nevill jun. in Hampshire, the archdeacon of Poitiers, Reginald de Warren, the dean of Waltham, and William Bassett; John Cumin in Staffordshire, Guy the dean, and William Bassett; in Suffex, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and William Bassett; in Lincolnshire, Guy the dean, Reginald de Warren, William Bassett, and Allan de Nevill; in Kent, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and Henry Fitz-gerald the chamberlain; in Surrey, the archdeacon of Poitiers, Guy the dean, Reginald de Warren, and Allan de Nevill. Maddox's Hist. of the Exchequer, p. 99, 100 & seq.

A. D. 1170. taign; though some, improbably, say, that he was left to the care of his eldest brother for a provision. But Henry soon recovered from his sickness, and, after paying his acknowledgments to Heaven in a pilgrimage, he took the field against the king of France. Their difference was occasioned by Henry's pretending that the archbishopric of Bourges belonged to the duchy of Aquitain. Lewis, upon this, raised an army, and marched against Henry, who had, by this time, fallen, with his, into the duchy of Berry. But, in that age of chivalry and show, no great effusion of blood happened in the field by contending armies; therefore, after lying for some time in sight of one another, both kings agree to a truce, which was to be in force until the twenty-third of January following.

Differences
renew be-
tween Henry
and Becket,
on account of
crowning
young Henry.

By this time matters between Henry and the archbishop had come to extremities. The late coronation of the young king by the archbishop of York, was resented both by the pope and Becket, as a fresh invasion of the rights of the archbishopric of Canterbury. What added to the displeasure of the pope was, that Becket, who seems, in all events, to have been furnished with the very best and earliest intelligence, had found means to debauch some of Henry's servants, and to come at the knowledge of his intending to crown his son. Becket immediately acquainted the pope of this matter; and the latter sent to the archbishop of York, and all the bishops in England, an express prohibition against the coronation, without consent of the archbishop of Canterbury. This prohibition being, as we have seen, disregarded, gave the French court and clergy, who were all of them in the interest of Becket, a plausible handle for renewing their instances with the pope, that he would actually anathematize Henry, and lay his kingdom under an interdict. The pope was, at first, contented with directing his mandate to the archbishop of Roan and the bishop of Nevers, commanding them to repair to England, and threaten Henry, who was then there, with canonical censures. Henry being apprized of their journey, used all methods to prevent their setting foot on his regal dominions, as he knew not what effect spiritual interdicts might have upon the minds of his people. He succeeded so far, that he met the legates in Normandy. By this time new and stronger injunctions had come from the court of Rome, which, by Henry's behaviour, now plainly perceived that he began to stagger in his firmness; and that, by repeating its blows, he must at last fall prostrate before the haughty pontiff. The bishops of Rochester, London, and Salisbury, for being aiding at the coronation of the young king, were actually ordered to be excommunicated; while the bishop of Durham and the archbishop of York, who had performed the ceremony, were only to be suspended, with a severe epistolatory reprimand.

Censure of
five bishops
for the same.

Every thing was now ready for launching the great bolt of interdict upon all the kingdom; and Henry, had he then stood

his ground, supported as he was by his barons and clergy, might have perfected that great measure which was reserved for one of his successors, though upon less justifiable principles, and less glorious motives. But Henry is not the first instance of ambition stooping to superstition. From being a gallant, brave opposer of the court of Rome, we are now to behold him a beaten slave, precipitated from justice to murder, and falling from the pride of regal dignity, to the meanness of bigot compliance. He had about him two principles, each of which drew him different ways, and both prevented his coming to any determined point. He was lost by this indecision. His abhorrence of dependency upon an insolent court, composed of priests and friars, without any arms that could affect him, besides books, beads, papers and prayers, was too strong for him to make any absolute submission; while his infant prepossessions for the authority of the church, and what she called her sacraments, had grown up in his soul, and mingled too thoroughly with his blood, not to affect his constancy in standing the last trial, when the very day of interdicting his kingdom was fixed. He appointed, he even begged for, another conference. It appears that several were held. Hoveden and ab-
Other confe-
rences held.
bot Benedict mentions one at Amboise, near Tours, or upon a hill hard by, on the 12th of October. Other authors, particularly the writer of *Quadrilogus*, Gervase, and Fitzstephens, mention one on the 22d of July, at a place called Fretteville, in a meadow between Chartin and Maine. I am apt to believe, that the latter was the conference which finally adjusted all differences between Henry and Becket; though all the preliminaries and the most material points might have been settled before at Amboise. There were present Henry, with some of his French and English barons and bishops, on the one side; and on the other, the archbishop of Sens, the earl of Blois, and most of the French nobility, both spiritual and temporal, together with Becket himself. The terms of the agreement were, That the king should receive the archbishop, and all his exiled adherents and relations, into his free grace and favour, and restore him to his rights and possessions in the see of Canterbury, to be by him held in the same manner as he held them for the three months before he left England. But it was not enough that Becket's honour and interest should be provided for; for his revenge must likewise be satisfied. After, therefore, the great points were adjusted, the archbishop demanded, that Henry should give up the archbishop of York, and the other prelates who had assisted at the unpardonable violation of the see of Canterbury's right in the coronation of the young king. There is some reason to believe, that this demand shocked Henry; but he had granted too much, not to grant all; he, therefore, sealed his own ignominy, and the prelate's triumph, by giving up to the latter's revenge, his friends, who had done nothing but by his particular directions
and

A. D. 1170.
Henry's weak-
ness.

Henry's final
concord with
the arch-
bishop.

A. D. 1170.

and orders. The insolence of Becket is the more remarkable in this demand, as, in fact, there had been instances, which the reader may find in the preceding part of this history, wherein archbishops of York crowned kings of England. Mention was now made of the king's compleating the agreement, by giving the archbishop the kiss of peace; but Henry found means to evade this, by promising to do it when they both met in his dominions, that it might not appear to be an act of constraint, but of grace. Henry then, after some conference apart with the archbishop, pressed him to go immediately along with him into England; but the prelate, still distrusting the sincerity of his reconciliation, artfully avoided compliance, under pretence, that he could not, in decency, depart out of France without returning his thanks, in person, to all his benefactors; and that he was indispensibly obliged to attend the king of France, who had been his best friend.

Becket takes leave of the French court.

Accordingly, repairing to the court of France, he took his leave of that prince; and then received letters from Rome, by which his departure for England was hastened, and himself enjoined to proceed with all severity, by pronouncing the sentence of excommunication against the archbishop of York and the other four prelates. Becket was so eager to put his commission in execution before Henry should return to England, that he did not insist upon several articles stipulated for him by the late agreement, particularly the payment of his debts, the kiss of peace, and his being conducted over by the archbishop of Roan. As the latter was very old and infirm, the dean of Salisbury supplied his room in this office; and Becket receiving from Henry a letter to his son, for his readmission into England in terms of their agreement, set sail from Whitland, and landed at Sandwich on the first of December.

When Henry gave up the archbishop of York and his other prelates, no particular punishment seems to have been mentioned; and perhaps he thought, that all Becket wanted was, to gratify his pride, by forcing them to make some acknowledgments. It appears likewise, that he carefully concealed from Henry his orders from Rome to inflict upon them the ecclesiastical censures, and that no mention was made of this matter in Henry's letter to his son. Becket, however, was no sooner in England, than he pronounced sentence of suspension and excommunication against all the prelates.

He excommunicates and suspends the archbishop of York and four bishops, given up by Henry. Gervase.

When Henry left England, his great care was to set about his son's person, and place in his council, persons who might give him the most compleat aversion to Becket's person and interest. It was therefore no wonder that the young prince heard of the archbishop's arrogance with the highest indignation. He instantly sent messengers to remonstrate against the injustice and indecency the archbishop had committed, in excommunicating and suspending persons who had been guilty of no other crime than setting

the crown upon his head. The archbishop, who had so lately baffled the father, made light of the son's complaints: he said, that the sentence had been pronounced by order of a power higher than regal. At last, upon the bishops applying for absolution, he consented to it, provided they gave security for standing to the pope's judgment upon the matters of their accusation. It was easy to foresee that this proviso would only ruin them with their own friends at the court of England; the prelates therefore declined it; and, by the advice of the archbishop of York, who said he would spend his last shilling to humble the haughty Becket, they resolved to apply to Henry in France.

A. D. 1170. and the latter's insolence.

Accordingly they all of them went over to Normandy, where they threw themselves at Henry's feet. Their presence could not but be very reproachful to that prince, now that he came to reflect coolly on the mean manner in which he had given them up. His concern was heightened, when the archbishop of York informed him of the sentence of excommunication and suspension against his brethren and himself, only for obeying his orders; adding, that while Thomas Becket lived, the king could never hope to be in safety, nor his kingdom in peace. Henry now gave a loose to his indignation, and cried out aloud, in all the anguish of affronted majesty, That he was unhappy, in having fed such a number, as he had done, of ungrateful, indolent cowards, who had not the courage to vindicate his honour from the insults it suffered from one priest. Reginald Fitz-urfe, William de Tracy, Richard de Brito, and Hugh de Morville, were gentlemen then in waiting upon Henry's person, and of his bed-chamber. They over-heard the king's exclamation, and considered it as a reproach upon themselves, who had been brought up in his service. With the first opportunity, they bound themselves solemnly to perpetrate the destruction of the archbishop, if he did not comply with the king's will; and, with this design, passed privately over to England. Here they got together a handful of Henry's servants, who they knew were attached to his service; and they were strengthened by several of the excommunicated; among whom was one Robert de Broc, who suffered that sentence (then more cruel than death itself) from the archbishop, for no other crime than beating some of Becket's servants, and cutting off one of his horse's tails.

The five bishops apply to Henry.

Five of his gentlemen conspire the archbishop's death.

In the mean time, the archbishop was behaving with a very high hand, and affecting every opportunity of increasing his popularity, by magnificent progresses about the country, where he took care to display himself as a martyr for the church. Young Henry, who thoroughly hated him, upon this, hearing that he intended to come to his court, sent him an express order to reside at Canterbury; which the prelate, who knew the dispositions of the young prince, and those about him, unwillingly obeyed. But, to make the best use of his retreat, he did not fail, by repeated sermons, to animate

Becket is prohibited from coming to the court of England.

Conduct of young Henry towards the archbishop,

A. D. 1171. mate the people against his enemies, and to expose the dangers to which he was daily liable for the cause of the church.

It was not long before he had occasion for all his patience and fortitude. For the four gentlemen, who had conspired against him, came with their party to Canterbury. Their proceedings were not, as has generally been represented, tumultuary and assassin-like, though certainly cruel and unjust. They, at first, expostulated with the archbishop, and pleaded the king's commission for what they did. I am apt to believe, that their first intention was to have carried him beyond seas, where he might have been safely confined from all future opportunities of disturbing the peace of England. For, upon his refusing, at their earnest request, to take off the sentence of suspension and excommunication from the prelates, they attempted to make him prisoner in the king's name. But Becket, who was a man of undaunted resolution and great personal courage, refusing either to submit to be prisoner, or carried off, made so obstinate a resistance, that the noblemen, out of safety to themselves, dispatched him; and however he had

Becket's murder.

lived as a traitor, it must be owned he died as a hero. A. D. 1171.

This is the best account I can give of the death of this great man; and I give it partly from history, partly from conjectures, founded upon historical facts, without implicitly following any one guide. Upon the whole, it must be owned, that Henry acted a mean, shuffling part, in all the latter part of his transactions with this prelate. He had thrown out a hint, which had implied a desire he should be murdered. He had made an agreement, in which, when his reverential pannic for the church was over, he found he had been abused and over-reached; yet he had not the courage either to break, or to fulfil, the agreement; either to protect, or to punish, the noblemen who had been the executioners of what he himself had passionately desired. In short, it must be owned, that the index of his mind pointed strongly towards murder; though perhaps his hand did not sign an actual commission. As to the particulars, which are of themselves too minute for a general history, the reader will find them in the notes (1), from the labours of a gentleman, who took great pains to collect them.

The consequences of it, with reflections on Henry's conduct.

(1) About this time the four knights above-mentioned, who had sworn to revenge the king's quarrel, met with a more speedy passage than so wicked a design deserved: for, having landed privately near Dover, and in the country thereabouts having raised a pretty large company of men, partly of the king's officers, and partly of those whom the archbishop had excommunicated, they made what haste they could to Canterbury; where being arrived, on the 30th of December in the afternoon, they entered the palace, came into the archbishop's chamber, and there sat down without speaking a word; till the archbishop asking them the occasion of their coming, one of them (Fitz-urfe by name) told him, That they came from beyond sea, with a message from the king: upon which the archbishop commanded his domestics to withdraw; but when the other said, That he desired all there present should hear, they staid in the room. Then Fitz-urfe, in the name of the rest, delivered his message. But Fitz-stephens makes the archbishop's servants to have withdrawn, by his order, during the delivery of it; and that, so soon as it was over, he, fearing some violence, called in his chaplains and domestics, before whom the knights repeated what they had to say. I shall not here relate the whole dialogue between the archbishop and them, as I find it in my authors, since it would be too tedious; and besides, they themselves differ about what they made the gentleman to say; but the sum of what Fitz-urfe told him was, That he had as good have taken the crown from the king his master's head, as thus to excommunicate the bishops, and then refuse them absolution. But the archbishop said, He was so far from taking the crown from the king's head, that he wished with all his heart he could put another on (God's honour and his own soul being still safe); and that, not himself, but the pope, had excommunicated and suspended their bishops, and it was not in his power to absolve them. They answered, It was all one as if he had done it, since it was done by his procurement. To which the archbishop replied, That indeed he was much obliged to the pope for thus vindicating the injury done to God, as well as to himself: Then making a large recital of all the wrongs he had received, he appealed to themselves as witnesses, whether the king had not granted him leave to proceed by ecclesiastical censures against those who had disturbed the peace of the church; nor could he pass it by, without betraying his pastoral charge. At which they all cried out, That they were never witnesses of any such thing; and called to the monks and others there present, to secure him on the king's behalf; and that, if he escaped, he should be required at their hands. So presently going out, the archbishop, following them to the door of the outward room, said, No, I come not hitherto to fly, I value not your threatenings. To which they replied, They were not bare threats, and so you shall find. Then going out of the abbey, they brought those of their guard into the court, whom they had before left at the gates while they talked with the archbishop: but, during the time that they were gone away, the monks, hearing that the knights with their men were returning, would fain have persuaded the archbishop (being near vespers) to go along with them into the church; but he being unwilling to it, they were at last forced to haul, rather than lead, him thither, through a private door out of the cloisters, which was broken open on purpose to let him in. He had not been there very long, and was but just got upon the steps of the high altar, when the four knights returned again, being now armed; and finding the doors of the monastery shut, they broke a window, and Robert de Broc getting in, opened the doors to them; and he being their guide, they entered the church by the same way the archbishop had before; yet would not he permit the other door to be made fast at all, saying, It was the church, and all men were free to enter into it; God's will be done. So soon as they came in, they cried out, Where is the archbishop? where is the traitor? He coming down from the steps of the altar, to a pillar not far off, said, Here am I, no traitor, but a priest. Then they laid hands, to try if they could pull him out of the church, that (as they afterwards confessed) they might either kill him without, or carry him away prisoner; but when they could not easily get him from the pillar, Reynald Fitz-urfe came up nearer; to whom the archbishop said, I have done thee many favours, and dost thou, who owest me faith and homage, now come to kill me? Then he, laying hold on the archbishop's cope, said, Thou shalt go forth, for that now thou shalt die: but he, pulling it out of his hand, answered, I will not go out. Then the other cried, Fly. No, replied he, I will never fly; but I command you, in the name of God, and under an anathema, that you do none of mine any harm. Then (as Edward Reyne, in his manuscript history, relates) thrust that knight from him, calling him Pimp! At which he being much provoked, stepped back, and seeing his companions behind him, he struck at the archbishop with his sword, and almost cut off the arm of this author, which was then held up to defend his lord; and at the same time wounded the archbishop in the crown of the head, where it was shaven; who now seeing his time was come, spoke these words: Lord, unto thy hand I commend my soul; or (as Gervase, or this author of *Quadrilogus*, give us them) I commend myself, and the cause of the church of God, to St. Mary, St. Dennis, and all the saints patrons of his church. Then another of the knights wounded him in the same place, to the very brain. So falling down upon his face on the pavement, the rest struck him on the head still in the same place; and one of them, Richard Brito, cut off a piece of his skull, where the rest had already began. Then another of their followers, called Hugh the all-clerk (for he was a sub-deacon) not content with what had been done, set his foot upon the bishop's neck, and with his sword's point flung the brains and blood about the pavement, crying out, Let us now be gone, he will rise no more. So that all of them hitting him (which was very strange) in the same place, all his brains fell upon the ground. When they saw he was dead, they went out in great triumph at the same door they came in; and, in the mean time, their accomplices without, breaking open the doors and locks, plundered the goods of the archbishop, together with the charters and monuments belonging to the church. As soon as the people heard of it, they all grievously lamented him, and running thither, desired to see his body, dipping their fingers in his blood, and therewith making the sign of the cross on their foreheads. Then the corps was, by the monks, laid before the high altar, where it remained all night; but so soon as it was day, hearing that the murderers intended to return and abuse the body, and fling it into some filthy place or other, they shut up the church doors, and putting it in a stone coffin, buried it privately in a vault adjoining to the place where he was killed. Tyrrel, vol. ii. p. 363.

A. D. 1171.
Consequences
of Becket's
death.

It was natural to expect that the murder of this illustrious prelate would have drawn upon Henry the immediate thunder of the Romish see, with all its consequences of revolt and rebellion; but Henry, or his servants, without knowing it, had taken the only way to make that court their friends. The negotiating by appeals and papers have been ever favourable to a pope; but the stroke lately struck taught him, that a blow might be aimed, not to be warded by pontifical authority. It was reasonable for him to think, that a government, which had gone thus far, would go still farther. It is true, at first, a flood of remonstrances and petitions broke in upon the papal chair from all quarters against Henry. The king of France pressed him to unsheath the spiritual sword against Henry, and the murderers of a prelate, whose sanctity was vindicated by miracles (as he had been informed) wrought after his death at his tomb. The archbishop of Sens pressed his holiness in the same manner, and counselled him immediately to fulminate his spiritual interdicts. The earl of Blois laid before him the breach of faith on the part of Henry, by breaking his agreement with the archbishop; offering, at the same time, to assert upon oath, that Henry had given up the offending bishops to the justice of the church; and that he had promised to give Becket satisfaction for having prematurely caused his son to be crowned.

Henry sends
deputies to
Rome.

Henry, who was sensible of the powerful interest he had to combat, sent to Rome a splendid and a numerous deputation of his own subjects and servants, at the head of whom was the archbishop of Roan, who, either disliking his commission, or, as he pretended, being broken with age, did not go on. Among the others were the bishops of Evreux and Worcester, Richard Barre, Robert abbot of Valaise, the archdeacons of Liseux and Salisbury, and one master Henry. Only four of all this embassy came to Rome. The negotiation fell principally upon Robert Barre, who appears to have managed it with great skill and address. At first, the court of Rome expressed the utmost aversion at hearing the very name of Henry, as if it was sufficient to have polluted the ears of the pope; but the deputies being plentifully stocked with money, that passport to the affections of all venal courts, they applied it so well, that a negotiation was set on foot in behalf of Henry and his regal dominions. The result was, that two cardinals should be sent to Normandy, who were to receive what Henry could say in his own vindication, and to examine into the manner and instruments of Becket's death. The suspended archbishop and bishop, with their excommunicated brethren, applied, at the same time, for absolution. The archbishop of York obtained absolution, upon his swearing that he had not received the pope's prohibitory letters when he had set the crown on the head of young Henry, and that he was, in every respect, innocent of Becket's death. The bishop of London was cited before the archbishop of Roan and the bishop of A-

miens, and, in like manner, purged himself from being accessory to the same; upon which, both he and the bishop of Salisbury received absolution.

A. D. 1172.

The affairs of England now requiring Henry's presence, he left Normandy without coming to any conclusion with the two legates, whose intentions he plainly saw were to get from him what money they could. Before he left Normandy he had used effectual precautions against any brief-bringers from the pope being admitted into that duchy, or any of his French dominions; and now that he was returned to England, he renewed his vigilance upon the sea-coasts. Some time after, hearing that the pope had dispatched to Normandy two other legates, the cardinals Theodin and Albert, he went over thither, where, by their mediation, a treaty was set on foot, between him and the king of France. The reader may remember, that the queen of young Henry was not crowned along with himself. Lewis had highly resented this; and Henry, in a treaty concluded at Vendosme before their differences came to a height, had promised that his son should be reinaugurated, and his wife crowned at the same time. But the breach becoming very wide between the two kings, Henry still put off the performance of his promise. But conferences being now opened at Avranches, that matter came again under deliberation; and Henry, glad of purchasing the friendship of France at so cheap a rate, agreed to the immediate coronation of his daughter-in-law. Accordingly the young king and queen, who had come over to Normandy upon this occasion, set out instantly for England, attended by the archbishop of Roan, and were solemnly crowned at Winchester, August 27. This coronation served, in a great measure, to pave the way for an entire reconciliation between the king and the pope. The royal pair immediately returned to Normandy, and the objections of the king of France being now removed, a conference was opened with the legates Theodin and Albert at Avranches. At this conference Henry and his son assisted, together with all the clergy of Normandy. It appears, that his deputies at Rome had managed with so much address, that all the material parts of the agreement had been previously settled, and nothing now remained but some forms, which were necessary to satisfy the public. It is true, this had cost them a great sum; no less, if we are to believe some writers, than forty thousand merks in silver, and five thousand merks in gold, which had been laid out in getting over the cardinals to his interest. But this sum, great as it was in those days, was but inconsiderable in comparison to the prodigious inconveniencies which must have arisen to Henry's affairs, had he suffered an interdict to have been pronounced against his kingdom after the death of Becket. But all that remained now to be done was, that the king should purge himself, by oath, of being accessory to that prelate's death, or commanding it. This he did in the church of

Henry goes
over into Eng-
land,

and returning
to Normandy,
agrees with
the king of
France.

Young Henry
and his queen
crowned.

Another con-
ference.

Henry makes
up matters
with the pope.

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St. Andrews, upon the holy gospels, and the relics of the saints, which, in the form of purgation, have the preference; swearing, at the same time, that when he heard of the archbishop's murder, it gave him very great concern. But, notwithstanding this, not being able to deny that he had acted so, as that the conspirators might think he would be very well pleased the archbishop was dispatched, by reason of the passion and emotion he discovered, he swore, by way of satisfaction, to the following articles:

The terms of the agreement.

[Tyrrel, Brady, Gervase.]

I. That he would never forsake pope Alexander, nor his Catholic successors, so long as they acknowledged him a Catholic king.

II. That he would not hinder, nor suffer to be hindered, any appeals; but that they might be freely made from his kingdom to the pope, in all ecclesiastical causes; but with this caution, that if any persons were suspected by the king, they should give security not to do any injury to him, or his kingdom.

III. That at Christmas following he would undertake the crusade, and go to Jerusalem for three years; and in case he should be diverted, by going into Spain against the Saracens, then he would give to the Templars so much money as they should, in their own judgment, think sufficient to maintain two hundred soldiers for one year, for the defence of the kingdom of Jerusalem.

IV. That he pardoned all clerks and laics who were in exile with archbishop Thomas, and granted them free leave quietly and safely to return to their own again.

V. That he would restore the possessions of the church of Canterbury, if any had been taken from it, as fully as it enjoyed it a year before the archbishop went out of England; and that the customs which were contrary to the churches of his lands, introduced in his time, should be wholly laid aside and abolished.

Reflections thereupon.

Brady, Hoveden, Tyrrel.

These articles being sworn to by young Henry, as well as his father, excepting in such things as concerned his own person; and their oath implying, that they would observe them without guile or deceit, the royal seal was affixed to the deed; and then the legates granted a charter of absolution to Henry, in which the aforesaid articles were punctually repeated. Some writers have affected to extol the prodigious concessions which Henry gave to the pope by the above articles: but, though it must be owned that he descended far below his dignity in every step of his negotiations with the church, ever since the meeting at Amboise and Fretville; yet I cannot look upon the articles themselves as containing any more, or stronger, concessions in matters of appeal to Rome, than what had been before offered by Henry and his predecessors. This will appear, if we consider that the clause of obliging all suspected persons to give security not to do injury either to the king or the kingdom, in effect, renders void the whole article; since it left the crown at liberty to

exact what security it pleased, and to construe the nature of the injury in any sense which might most effectually serve its own purposes. As to the other articles, they are rather matters of meer form or material justice, not affecting either Henry's person or dignity. But there is reason to believe, that littleness of heart which Henry was curst with in religious matters, made him stoop to a meanness unworthy a king or a man: for we are told, that by a secret article he submitted, in the vilest manner, to receive corporal punishment from the hands of ignoble priests and monks, at the tomb of the deceased prelate; which ignominy was the more extraordinary, as he had absolutely purged himself from having an actual concern in his death.

As to the conspirators who killed Becket, I am very apt to believe that Henry took care secretly to make their peace with the court of Rome: for, though it is expressed in the articles of Averanches, that he could not lay hold on them to bring them to justice, this is very unlikely, when we consider how much Henry was master of his own people; and that, at the same time, the conspirators lived publicly at Knareborough in Yorkshire, a castle belonging to Hugh de Moreville, where finding themselves generally detested, they went to Rome for absolution; and, according to some authors, though I think it not very probable, they all died on a certain unknown black mountain, where they were enjoined to do penance. Thus ended the celebrated events of Henry's differences with Rome, the death of Becket, and that prince's reconciliation with the pope; all which, as they form in themselves a compleat episode, I have kept unmixed with other matter, though they fell under different years, that I may with less confusion, through the contiguity of different objects, display to my readers other scenes where Henry is to shine with more native and royal lustre.

Henry, as I observed before, was mainly jealous of the earl of Striguel, and issued an injunction for his subjects to abandon him in his enterprize upon Ireland. We shall now pursue the history of that conquest. Copies of this proclamation being industriously dispersed throughout all Ireland, and the adjacent isles, the Irish rightly began to consider their invaders in a very different light from what they had hitherto done. It was plain, that the government of England had disowned their attempt, and therefore they who remained were to be looked upon as no other than a handful of robbers and rebels. This encouraged them to attempt a renewal of their constitutional confederacy. Roderic, who seems to be a prince of virtue, and sincerely attached to the interests of his country, together with the archbishop of Dublin, were most active on this occasion. Godred, prince or king of Man, had, some time before this, been powerfully assisted by the Norwegians in recovering that petty sovereignty from his brother Reginald, and, in the year 1147, had

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Hoveden, Benedict abb. Gervase.

The fate of Becket's murderers.

Rymcr.

History of the English conquests in Ireland.

^{A.D. 1172.} had actually been possessed of Dublin; but being expelled for tyrannical practices from all his dominions, after various adventures, he was now in high reputation with all the princes of the northern and western Britan-
nic isles. As his claim upon Dublin still subsisted, he was invited by Roderic to join his forces with those of the Irish, in attempting to expel the English from their country. Several other petty leaders or princes, through those isles, had like invitations; and the opportunity was too favourable to be slighted. Hasculf, who the reader may remember had basely abandoned Dublin, when it was besieged by the earl of Striguel, was then roving about the northern coasts, with a squadron of Norwegian freebooters; but now hearing of Henry's proclamation, he thought this the proper time for attempting to renew his footing in Ireland; and there is reason for believing, he acted in concert with the king of Man. Accordingly, collecting all the force he could, he sailed up the Liffey in no less than sixty ships, and landing his men, who were all well armed, he attacked the eastern gate of the city.

Hasculf be-
sieges Dublin;

but is de-
feated,

and loses his
head.

The assault was made under the command of one John, probably a Scot, surnamed the Wood, a term which, among the Northern Britons, still signifies the mad, or desperate; and the city was defended by its English governor, Miles Cogan. Both the attack and defence were obstinate. At last, the governor ordered his brother Richard to sally forth at the southern gate, and surprize the enemy in their flank and rear. This was so successfully executed, that the invaders were put to a total rout, the captain John was killed, and Hasculf, their general, taken prisoner, as he endeavoured to escape to his ships. Being brought before the governor, he was examined as to the motives of his invasion; and thinking himself secure, by the great preparations which he knew were making in other places against the English, he insolently threatened the governor with a fresh and more formidable invasion. This exasperated the latter so much, that he ordered his head to be struck off; perhaps considering him only as a pirate, and not acting by any legal commission; but it must be owned, the English in Ireland were then too prone to such cruelties.

This defeat did not discourage the other confederates; and Godred, soon after, bringing over into Ireland thirty ships full of armed men, blocked up the mouth of the Liffey by his vessels, and putting his soldiers ashore, they were joined by the Irish. The siege of Dublin was again renewed with more fury than ever. Besides the governor and his brother Richard, the earl of Striguel, with Raymond, and Morris Fitz-gerald, had, since the defeat of Hasculf, thrown themselves into the city. Their example encouraged the garrison so much, that the besiegers made no progress for two months; though the town received no supplies from England, and the garrison, by this time, began to be greatly distressed by famine.

Dublin again
besieged by
Roderic,

The war was carried on with equal vigour in other parts of Ireland. The reader may remember, that Fitz-stephens had built a small fortification near Waterford. Hither he had transported his wife and family; but it was now attacked by the inhabitants of Kinfales and Wexford, to the number of three thousand; for the fort itself was but of rude architecture, and of ruder materials, being composed only of wood and turf; yet he made a gallant defence. But, at last, he was obliged to acquaint his friends at Dublin, that, unless he was speedily relieved, he must surrender. The Irish and their confederates, then lying before Dublin, amounted to no fewer than thirty thousand men. Roderic, who commanded them, knew, from the dispositions of the English government, that the besiegers could hope for no more relief from England. He was sensible, at the same time, that famine already distressed them, and that they must soon be compelled to surrender. He therefore wisely turned the siege into a blockade, and shut up the city on all sides so closely, that there was no possibility of any small body of men escaping out of it. The noblemen, however, that were in it, hearing of the imminent danger Fitz-stephens was in, at last prevailed with the earl of Striguel to make a sally. The necessity of this was evident on their own accounts, as well as on that of Fitz-stephens. Their little body was divided into three troops, one commanded by Raymond; another by Miles Cogan, who appears now to have resigned the government of the city to the earl of Striguel; and the last by Morris Fitz-gerald, whose concern for his brother's safety made him the more active in this enterprize. Their attempt proved successful; the half-armed barbarians were totally routed, and Roderic, who was so secure that he was bathing himself at the time of the sally, narrowly escaped falling into the hands of the English. The pursuit continued till night, and next morning the victorious salliants returned to their friends, whom they left in garrison in Dublin, with a large quantity of provisions and other booty. But their joy for this amazing success was soon damped.

^{A.D. 1172.}

as is Fitz-
stephens by
the Irish.

The Irish de-
feated before
Dublin.

Fitz-stephens, who had hitherto defended himself, with prodigious valour and success in his little fortification, against force, was now subdued by treachery. Two priests (the bishops of Waterford and Kildare) were the instruments of this. They demanded a parley with Fitz-stephens; which having obtained, they took a voluntary oath, upon certain relics they had brought along with them, that Dublin was taken, that all the English in it were destroyed, and that a prodigious force was then marching from Leinster and Connaught to attack Fitz-stephens, who in that case was to expect no quarter. The knowledge which the latter had of the great superiority of the Irish, and his opinion of the sanctity of the persons who swore, made him believe their oath: he capitulated however, that he and his family should be immediately carried over into Wales,

Fitz-stephens
betrayed.

A. D. 1172. Wales, with all his garrison; for which he surrendered himself and his fortune to the hands of the Irish. But no sooner did the barbarians become masters of the fort, than they broke all the terms of the capitulation, put many of the English to death, and threw Fitz-stephens himself into prison.

The earl of Striguel advances to his relief;

In the mean time, the siege of Dublin being now raised, the earl of Striguel marched out, with all the forces he could spare, from the garrison, to the relief of Fitz-stephens. The Irish at Wexford, upon this news, despairing of being able to resist the English, fortified a pass over a bog, through which they knew the English must pass to attack them, with sharp stakes, and lined with a good body of forces. They then set fire to the town of Wexford; and taking along with them Fitz-stephens, and all their English prisoners, they shut themselves up in the isle of Beg, lying at the mouth of the harbour.

Though I have related these actions in the same manner as they are delivered by Giraldus, Cambrensis, and all our English historians; yet I think it is very plain, on the face of the relation, that the Irish were both supported and directed by Henry, who could not bear to see a conquest, from which he had promised himself so much glory and advantage, anticipated by his own subjects. Striguel not only forced the pass which had been fortified by the Irish, but was very near rescuing Fitz-stephens; when the Irish threatened to cut off his, with all their prisoners, heads, if they advanced farther. As that nobleman was very dear to all the adventurers, they stopped, and turned towards Waterford. There they found Harvey of mount Morrice, who had just come from England, with letters from Henry, charging the earl of Striguel, upon his allegiance, to repair to him, and to give an account of his conduct. The earl was in no condition to dispute this order, and instantly went over to England, where he waited upon the king at Newnham near Gloucester. There Henry obliged him to renounce all his pretensions to Dublin, and its dependencies, with all the maritime places he held in Ireland; at the same time confirming him in his other acquisitions there, which the reader may easily apprehend were not very considerable.

but is obliged by Henry to abandon his conquests.

Henry invades Ireland,

Henry, by this time, had resolved to pass over into Ireland in person. For this purpose he raised almost all the force of England, and, after taking precautions for the peace of Wales, he embarked at Milford-haven, and landed with a great army of horse and foot (in no fewer than four hundred ships) about eight miles from Waterford. The first act of the Irish, after his landing, amounts to a proof that they had acted by his advice and directions; for he was by them presented with the brave Fitz-stephens, whom, as a disobedient traitor, he sent in chains to prison. Soon after, the king of Cork voluntarily made his submission, swore fealty, gave hostages, and agreed to pay annual tribute. Henry then took into his possession, and under his protection,

Lifmore and Cashel, together with almost all the kings of Ireland, excepting Roderic and the king of Ulster, who still remained independent. Thus securing himself against all the interest of the earl of Striguel, he returned to Waterford, where he restored Fitz-stephens to liberty, but stripped him of all his acquisitions.

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which he reduces without effusion of blood.

The clergy, who, ever since Henry's application to the pope at the beginning of his reign, had always laboured for the subjection of their country to the English government, now met in a general council at Waterford, where they sealed their subjection, by severally delivering him writings, in which they acknowledged him their master, and submitted to him and his heirs for ever. Their example, which with that ignorant bigotted people was thought sacred, prevailed with Roderic himself to receive Henry as lord-paramount of Ireland, and to swear to him fealty and subjection. Thus Ireland, in effect, was completely subdued without the least bloodshed, and the conquest was confirmed by the pope. Henry, after some stay at Waterford, went to Dublin, where, that he might conciliate the Irish to his government, he kept his Christmas in a large house of wattles, which he ordered to be built after the uncouth manner of that country. His palace was indeed homely, but his manner of living magnificent, and struck the Irish, who had no ideas of such grandeur, with great esteem and respect. Here he spent his time till the beginning of Lent, when the state of his affairs in England and Normandy obliged him to leave Ireland. As a firm government there, in his absence, was of the utmost consequence to his interest, he made Hugh de Lacy, one of his most approved servants, governor of Dublin, and invested him with all the county of Meath, and all its appurtenances, in hereditary fee, to be held by the service of one hundred knights, or horsemen. He likewise made him justiciary, or lord lieutenant of Ireland. The city of Waterford, and that of Wexford, which were now rebuilt, were given to Robert Fitz-bernard, under whom the brave Fitz-stephens and Fitz-gerald were reduced to serve, together with twenty other knights. Oronic, king of Meath, could not help thinking that he was very severely dealt by, in being thus causelessly stripped of his territories, by Henry, in favour of Hugh de Lacy. After some messages it was agreed, that they should both of them meet on a certain hill, to treat upon their affairs. Hostages, and oaths for safe conduct, were given on both sides. Our English authors pretend, that Griffin, a nephew of Fitz-gerald, who was admonished by a supernatural dream of Oronic's treachery, privately brought along with him seven knights more than the number which was stipulated to be admitted on each side. We are told farther, that Oronic attempting, by treachery, the life of Hugh, was actually prevented and killed by those provident gentlemen, and that his head was afterwards sent to Henry; but no authority ought to recommend improbabilities

Death of Oronic king of Meath.

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The French king tampers with his son-in-law to rebel against his father Henry.

Lewis king of France saw, to his great mortification, Henry not only triumphing over his difficulties with the church, but likely to add a vast accession to his power by the conquest of Ireland. Unable to check him by his arms, he thought to do it by his cunning; but after an unnatural, unjustifiable manner. Young Henry lay in the arms of a lady of France, who found him susceptible of ambition, and resentful of possessing title without power. As she was no stranger to her father's jealousy of old Henry, whom she had some reason to hate, she improved the peevish dispositions of her husband, by acting in concert with Hugh de St. Moor and Ralph de Faye, her uncles, at that time in the English court. The mind of the young king being now sufficiently prepared, his father-in-law, the king of France, expressed an earnest, and seemingly natural, desire to see his son-in-law, and his daughter, with whom he had parted when she was very young. Henry, who had just made up matters with Lewis, could find no decent pretext to hinder this; and the young pair went to Paris, where they were magnificently entertained by their father. Their stay was not long there, before Henry required their presence in Normandy; in which they obeyed; but not before the young king had entered into a concert with his father-in-law, to demand of Henry to resign to him, either his French or English dominions; and in case of refusal, to throw himself upon the protection of France. Henry, soon after their return into Normandy, went to Anjou, where he kept his Christmas at Chinon, the young pair still remaining in Normandy.

A treaty of marriage between the earl of Maurienne's daughter, and John, Henry's son.

In the beginning of the year 1173, a treaty of marriage was set on foot between the daughter of Hubert earl of Maurienne, now part of Savoy, and John son to king Henry. By their marriage-contract (which we have in Mr. Rymer's Collections, from a manuscript of the abbot Benedict, now in the Cotton library) we learn, that that earl was to have settled his whole estate upon the young pair, in case he died without male issue.

Henry and his son agreed to the earl of Maurienne's proposals, and the instrument being on his part made out, he demanded what estate Henry would settle upon his son, as an equivalent. Henry named Chinon, Loudun, and Mirabel, with their dependencies. The young king laid hold on this opportunity of making a vigorous opposition to his father's will: he remonstrated to him the unreasonableness of making any farther alienations upon his patrimonial dominions, unless he pleased to make a separate settlement on himself or his queen; to which Henry was utterly averse. Being therefore unable to give the earl of Maurienne any po-

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fitive answer at Clermont, where they had met, he appointed the earl to attend him and his son at Limoges; to which they went, that they might receive the homage of the earl of St. Giles, who paid homage at the same time for the earldom of Tholouse, to Richard the king's son, as duke of Aquitaine.

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It was in vain for Henry to think of gaining on the obstinacy of the king his son, in the settlement he proposed to make on his son John, who being thus left without provision, was called Lackland. Hitherto we have attended Henry only in his public capacity as a king, on the throne, in the field, or in the cabinet; it is now necessary to view him as a man, where alone we can discover the springs of all that unhappiness which clouded the after-part of his reign.

Difference between the two English kings.

Henry was fond of his children, but fonder of his power; his regards were paid to his wife, but his affection settled on his mistress; and seeking, what seldom can be found, at once to maintain his dignity and gratify his pleasure, he tarnished his glory, and wrecked his quiet. His eldest son was a king, without power; and two other of his sons were in possession of estates, without any exercise of dominion. Every thing was managed by the father; and the children, thus tantalized, became more eager after what they could scarcely taste. There was a great disproportion of age between Henry and his queen Eleanor, who, by this time, we cannot suppose to have retained any charms about her, but those of the mind. Henry, when disengaged from the pursuits of ambition, had never found in Eleanor that softness of conversation and demeanor which is the source of nuptial affection; she presumed on her great possessions and great quality; and Henry had always rather endured than loved her. As coldness is sometimes more irritating than aversion, Eleanor's passions were inflamed to the highest degree, but without being able to remedy herself. The king's intrigue with the fair Rosamond, who is said to have been daughter to lord Clifford, was no secret; and Eleanor, that she might gratify her revenge, trampled upon her duty. During Henry's frequent absences in Ireland and Normandy, she had many opportunities of concerting matters with her discontented sons; and a plan of operations was laid, much deeper than Henry, with all his penetration, at first perceived.

Henry's situation,

The king of France was not the only prince who began now to be jealous of Henry's growing power; William, the king of the Scots, saw it and trembled. Henry had never yet put him in full possession of Northumberland, and had not laid by his claim, though he had his arms; but now he thought he had a fair opportunity of employing both. Other great noblemen, both in England and on the continent, had all their causes either of hopes or fears; and all concurred in an universal desire to smite Henry in his towering ambition. But let us now return to his person. The Norman noblemen secretly instigating young Henry

and the great confederacy formed against him.

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in opposing his father, that prince, though very closely watched by the jealous old king, made his escape to the court of France, just at the proper crisis of concerted rebellion. For queen Eleanor, who was then in England with her two sons (Richard duke of Aquitaine, and Geoffrey earl of Brittany) having early intelligence of the young king's escape, sent over both those princes to join in the confederacy, or rather conspiracy, against her husband. They were followed (if we are to believe the French authors, who write not improbably) by William king of the Scots, who went over to Paris, under pretence of renewing the famous league between the nation of the Scots and the crown of France, and to balance the growing power of Henry, the common enemy of both. At the same time the earls of Flanders and Bulloign entered into the conspiracy, with many other Norman and English peers, particularly the earls of Blois, Troyes, Chester, Beaumont, and Leicester.

Henry's behaviour in his great danger.

The defection of his son was no great surprise to Henry the elder, who never discovered himself to be the greatest prince of his age, in abilities as well as power, till on this occasion. He had, as I have already observed, filled his son's court with persons whom he knew to be devoted to himself: and so well did he judge of mankind, that, upon the young king's elopement, every one of those persons came and offered their services to his father. Richard de Barr, who had been chancellor to young Henry, delivered him the seal, and all the others offered him their services. But Henry, having this proof of their fidelity, thought that they could be more useful to him by remaining about the person of his son; he therefore sent them, with all their equipages, to the French court, desiring them to continue in his son's service, to which they were already sworn. But the court of France was not to be imposed upon in this manner, and young Henry refused to entertain any but those who swore fealty to stand by him against his father. The exacting this oath was an open act of hostility on the side of the young king, in prejudice of his father, who still continued without shewing any mark of resentment; but he was not, for all this, wanting to himself. He visited his frontier castles in Normandy, and ordered them all, especially Gisors, to be well victualled and fortified. The like precautions he took in Anjou and Brittany, and his other French dominions; and being conscious of the powerful confederacy that had been formed against him, he took into his pay twenty thousand Brabanders, all veterans, whom by his liberality he attached to his person and fortunes.

A general council at Paris.

As the confederacy against Henry the elder, had as yet been formed upon private compact, it was now thought necessary to give it the face of solemn sanction. A great council of the French peers, both spiritual and temporal, was held at Paris; at which the young king of England, as a peer of France, assisted. Here the several parties in the confederacy gave in their terms. Wil-

liam king of the Scots demanded all Northumberland, to be held in homage by himself; and the earldom of Huntingdon in Cambridgeshire, to be held in like manner by his brother David. The earl of Flanders demanded the county of Kent, with the castles of Dover and Rochester, and a thousand pounds yearly rent in England. The earl of Bulloign, his brother, claimed the earldom of Moreton, with the barony of Haye, and the foke or liberty of Kirton in Lincolnshire. The earl of Blois claimed, among other things, the castle of Amboise, and five hundred pounds of Anjovine rent. All these claims and demands were granted by the young king, with many others too tedious to mention here, under a new great seal which he had ordered to be made in France; and all the claimants did him homage and fealty. Those chief points being settled, it was next proposed in the great council, that a general confederacy against the elder Henry should be entered into. This being agreed to, the king of France himself was the first who took an oath to assist young Henry, to the utmost of his power, against his father, till he forced him to resign to him the kingdom of England. In this he was followed by the rest of the assembly; and young Henry, with his two brothers, on their parts, swore in like manner, and gave security that they would never fail of the alliance they had contracted, nor make peace with their father without consent of the king and court of France.

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A confederacy formed.

The council broke up some time before Easter, after concerting what share of the warlike operations each party was to take. The confederacy was now public, and all the barons of Normandy, Aquitaine, Anjou, and Brittany, declared themselves ready to act in favour of the young king. It was therefore resolved, that the earl of Flanders and the earl of Bulloign should march with a great army into Normandy, and take the places held there by Henry; that the king of France and the young Henry should besiege Vernuil; that the earl of Chester should act in Brittany, under prince Geoffrey; prince Richard in Guienne, and William king of the Scots was to act in the north of England. The earl of Flanders and his brother were successful enough to take Albemarle and Rhiencourt, where the latter lost his life; and affairs seemed now so promising, that the elder Henry was given up by all Europe for lost. The particulars of so dissipated a war are needless, as they would be difficult, to be recounted; it is sufficient if we mark the chief events.

The operations of the war.

Notwithstanding Henry the elder's having a son of such towering ambition, and of man's estate, yet he himself, as yet, was only in the flower of his age, having not seen above forty-one years. The storm which now broke forth, roused his spirits, which for some time seem to have been lost in a train of inglorious negotiations. He gave his orders with amazing presence of mind; and, notwithstanding the general defection against him, the enemy found no place unprovided

Henry's conduct on this occasion.

A. D. 1172. provided for resistance. As he knew his wife Eleanor had been active in stirring up the confederacy, he had her closely watched; and, upon her attempting to escape in disguise to the French court, she was put under arrest. He next wrote a letter to the pope, which is extant in Mr. Rymer's Collections. This letter is penned with great art, and parental affection; but contains some expressions (1) of subjection, highly derogatory to the honour of an independent crown. His next care was to provide against the attempts of the king of the Scots; for which purpose he constituted his trusty Richard de Lucy to act as lord-lieutenant of all England, and appointed other generals, who he knew most trusty to his interests, with orders for them to have a watchful eye upon the northern counties. The king of France and young Henry, by this time, were pushing the siege of Vernuil, which was defended for a month by Hugh Lacy and Hugh Beaumont. Both the siege and defence were obstinate; and the confederates, at last, carried part of the town. But Henry, knowing of what great consequence it would be to foil the enemy where their arms were strongest, advanced to its relief so critically, that the king of France made an inglorious retreat, after burning that part of the town which was in his possession. Henry, however, came up time enough to fall upon his rear, and to put great numbers to the sword. He then entered Vernuil, where he ordered the fortifications to be repaired. He next fell, with prodigious rapidity, into Brittany, now almost totally revolted. Here the earl of Chester and Ralph de Fugeres were vanquished in a pitched battle, on the 20th of August, being the eleventh day after the relief of Vernuil, and lost fifteen hundred of their best troops, who were slain, while seventeen of their bravest knights were taken prisoners; but their two generals escaped to the castle of Dole (2), which they had seized by debauching the garrison, but which was instantly invested by the victorious army.

Henry was not present at the late battle; it appears he was apprehensive of an attempt from the French army upon the castle of Roan; he therefore remained there, to give proper directions for its security. Receiving therefore intelligence, the very next day after the battle, of the investiture of Dole, he determined to make his utmost efforts, effectually at once, to finish the rebellion in Brittany, by taking that place, and all its garrison. His success was answerable to his wishes; for the sixth day after the siege was formed, the place was delivered up by the earl of Chester, with all the garrison, and fourscore of the principal nobility, who surrendered prisoners of war. This reduction, together with the two checks which the two kings had received before Vernuil, gave a mortal blow to the scheme of the confederates.

rates. All Brittany fell now into the elder Henry's hands; and the confederates in other places, who depended chiefly on the success of the two kings and the Bretons, had not dared to act. No accounts had yet come of the success of the Scotch invasion; and the earl of Flanders seems, by this time, to have withdrawn from the field. Add to this, that the Brabanders, who were soldiers of fortune, did incredible damage to the estates of the confederates, and all open places were now wasted with fire and sword. All these considerations determined the king of France to labour for a peace with England. The elder Henry, according to his usual maxim, of always acting by negotiation rather than arms, readily agreed to a meeting, which was appointed to be held between Gisors and Trie, the 25th of September.

At this conference were present the three kings, with the two princes of England, and the chief nobility of both parties. The particulars of the conference have not come to our hands; but we learn that the elder Henry offered to agree to the following terms: To give the king, his son, half the rents of his demesnes of England, and four castles there; or if he had rather reside in Normandy, he offered him half the revenue of that dukedom, and all the revenue of Anjou, three castles in Normandy, one in Maine, one in Anjou, one in Tourain. To Richard he offered half the revenue of Aquitaine, and four castles there. And to his younger son Geoffrey he offered all the hereditary estate of earl Conan, if by the consent of the pope he could marry his daughter Constance. And farther, he referred himself to the judgment of the archbishop of Moustier en Tarantais, and the pope's legates, to add to their revenues what they should think just and equal, reserving to himself royal justice, dignity, and power.

These offers were advantageous to the princes; but we find no provision made, or offered, in this conference, for the other confederates, who (particularly the king of France) had been at an immense expence in carrying on the war. It was, therefore, by no means agreeable to their views, that matters should be made up in this manner between the king and his sons. Lewis, therefore, urging the oath of the latter to make no separate peace, the conferences broke up without any effect. Perhaps what greatly contributed to this was, the new scene of affairs which we are next to open in the north of England.

William king of the Scots came now to act his part. The disappointment which the confederates had met with in France, had not suffered them to send such supplies to their friends in England, as to enable them to take the field so early as they intended. This was a disappointment to William likewise,

A. D. 1172.
He reduces
Britanny.

Conference
between Hen-
ry and his
sons.

Broken off.

(1) *Vestrae jurisdictionis est regnum Angliæ, et quantum ad feodatorii juris obligationem, vobis duntaxat obnoxius teneor, et asbringer. Expereatur Angliæ, quid possit Romanus pontifex.* Rym. p. 25.

(2) *Radulphus interim Castrum de Cortrak et civitatem Dolensem cepit cum custodibus, quos rex posuerat, corruptis pretio.* Trivetti Annales Ed. per Hallium, p. 61.

(3) *Comes Flandrensis Philippus, vulnerato fratre suo Comite Bolonensi, ut præfertur, ad propria remeare maturavit.* Walf.

A.D. 1173. as he was to act in concert with the young king's party. But the French king now found that his greatest chance for success lay in putting William in motion. For this purpose the earl of Leicester, who was of young Henry's party, was put at the head of a strong body of Normans and Flemings, and sent over to give a diversion in England. This encouraged the Scot to take the field, and he marched into Northumberland with a great army of Scots and Gallovidians. That unhappy country was soon filled with desolation; the hopes of plunder had prevailed with the greatest part of the Scots to join in the invasion; nor was there, at that time, in the north of England, a force sufficient to oppose him. But the vigilant Richard de Lucy, and Humphry de Bohun another of Henry's generals, gave him a powerful diversion, by falling into Scotland, where they repaid his ravages, and burned the town of Berwick. But they were quickly forced to return to the southern parts, by the news they received of the earl of Leicester's landing in Suffolk, and being joined by Hugh Bigod, a nobleman of great power in those parts, who received him into the castle of Framingham, and both together having reduced some other forts, were advancing towards the important town of Leicester. The English historian here tells us, that de Lucy and Bohun found means to get a truce from William; but this is, I think with great reason, expressly contradicted by the Scots. It is improbable that William would have let slip so favourable an opportunity of joining with his confederates.

I shall, therefore, in this particular, be determined by the Scotch Writers, and suppose that the two English generals marched back with all expedition to prevent such a junction. Richard de Lucy seems to have taken the command against the Scot, while Bohun advanced to Edmundsbury, where he appointed a general rendezvous of his master's troops with an intention to give battle, at all hazards, to the earl of Leicester. The latter had not yet reached Leicester; and, upon the news of Bohun's posting himself at Edmundsbury, he stopped short in his march, and returned to Framingham castle for fresh supplies. This retreat gave time for Bohun to be joined by Reginald earl of Cornwall, uncle to Henry the elder, and William earl of Gloucester. Upon the accession of those noblemen, both armies were pretty equal in numbers; and the earl of Leicester being now recruited, advanced from Framingham to attack the royalists. A battle ensued near St. Edmundsbury, in which Bohun, at the head of a body of horse, vigorously charging the earl, totally routed his army, and took him and his countess prisoners, together with Hugh de Chateaux (de Castellis) a French nobleman of distinction. Our authors have generally agreed, that no less than ten thousand Flemings fell in this battle; but Gervase, I think with more reason, makes the number only three thousand. It is true, the last-named author tells us, they behaved with great insolence, and perhaps no fewer than

ten thousand might have perished in the invasion. As to the French and Normans, they generally had quarter, and the most considerable of all the prisoners were sent over to the elder Henry, who shut them up, along with the earl of Chester, in Falais. This battle was fought November 15, 1173.

All this time it appears, that the Scots were checked by Richard de Lucy, from advancing to the assistance of the earl of Leicester; but the latter being totally defeated, their king now grew more tractable, and began to lend an ear to proposals of accommodation, which were laid before him by Hugh bishop of Durham. Accordingly William, in December, agreed to a truce, which was to continue in force to the Easter following, and eight days after; and bargained, at the same time, that he should be paid three hundred merks in silver. This was a negotiation of the utmost importance to the elder Henry's affairs, which, notwithstanding the late defeat of the earl of Leicester, remained, if not in a desperate, yet untowardly, state in England. But we now pass to France.

There the elder Henry, receiving the news of the earl of Leicester's defeat, advanced against the rebellious Anjovines. This he did with such rapidity, that Geoffrey de Hay surrendered to him his chief castle, and the castles of Prullie and Campani, with their garrisons, and a great many officers, knights and others of distinction, fell into his hands at the same time. Henry next laid siege to Vendosme, held out against him by young Lavardin, who had expelled his father from the command; but he was now taken by Henry, together with the castle; and every thing in those parts being quieted, Henry returned to Normandy. By this time the king of France, amazed at the prodigious rapidity of Henry's arms, grew weary of the war, and earnestly wished for some respite till he should see the success of his design in England, where his chief hopes now centered. Henry was no less desirous of a like respite, and a truce was concluded on at Caen, where he kept his Christmas this year, to last till Easter.

A truce being now in force, both with France and Scotland, all parties spent the intermediate time in preparations for renewing the war with vigour upon its expiration. The earl of Flanders, perhaps irritated by the fate of his subjects under the earl of Leicester in England, now took a solemn oath before the king of France to invade England as soon as the truce was ended; and the king of the Scots agreed, at the same time, to attack, with a strong army, the northern counties. Hugh Bigod was at this time in arms in England; and the earl of Flanders, to support him, sent over Ralph de la Hay, at the head of three hundred choice horsemen. Bigod, strengthened by this reinforcement, which was to be followed by the earl's whole power as soon as possible, marched to Norwich, which he took, and set on fire. The governor of Leicester castle, who was of the rebels party, had the like success against Northampton, which he took, after a sharp dispute

The Scots invade England.

Berwick burned.

Defeat of the earl of Leicester.

The war renewed in England.

A.D. 1174. dispute with the inhabitants. Roger de Moubray, the head of that illustrious family, had now declared for the rebels; and, during the truce, had repaired a fort at Axholm, an island in Lincolnshire, formed by the concurrence of the rivers Trent, Idel, and Dan. This fort was attacked by the Lincolnshire men in boats, under the command of Geoffrey, elect bishop of Lincoln, a natural son of Henry, who took it, with its governor, and then demolished it. Moubray, in the mean time, had gone for Leicester for assistance; but was, in his journey, intercepted by the country people, and detained prisoner. This gave Geoffrey the bishop leisure to join with the archbishop of York, and, both together, took the castle of Malesfarch, belonging to Moubray likewise, with its garrison, all which were delivered up to the archbishop. In the mean time, the earl of Ferrers, who was of the rebel party, surprized Nottingham; as Richard de Lucy, with the earl of Cornwall, did Leicester. But the castle of this last town holding out, the townsmen purchased their liberty by paying three hundred pounds. Huntingdon castle was likewise besieged by de Lucy, who not taking it, built against it a blockading tower, which he delivered up to Simon de Lys, who, upon pretences I have already mentioned, claimed in the king's court all the earldom of Huntingdon as his inheritance.

Progress of the Scots in England.

The king of the Scots had now taken the field with a great force, after collecting from the baron of Northumberland the three hundred merks stipulated upon the conclusion of the late truce. He divided his army into three columns; one, which was commanded by one of his generals, formed the siege of Carlisle; the other was led by himself, and penetrated into Northumberland; while the third, under his brother David, advanced to relieve Leicester, and perhaps prevented that castle from falling into the hands of the royalists. As to the barbarities committed, on this occasion, by the Scots, I believe they have been greatly aggravated by the English monks; but it was no wonder if barbarities were committed by an army, one half of which, perhaps, were not under their princes command, but under that of their rapacious heads of clans. William took by storm the castles of Burgh, Appleby, Werkwork, and Gerby, all belonging to the elder Henry. He then returned to the division of his army which was before Carlisle, with a resolution to finish the siege. At last Robert de Vaus, who commanded in the place, finding his provisions fall short, capitulated to give it up, if it was not relieved before the end of September. William, therefore, turning this siege into a blockade, marched against Prudhou, a castle belonging to the Umfreville family. But by this time the royal party in England had taken the alarm at his success. The Scotch historians, indeed, upon this occasion, acquaint us, that they purchased a truce for some time by a large sum which they paid to William; and that all the misfortunes which befell that prince and his people, happened in violation of

that truce. But as I know of no writer among that people, living at that time, who gives this relation; and as the English authors, cotemporary with the event, agree in the contrary, we must be determined by the best evidence. William was pressing the siege of Prudhou, when he heard that the Yorkshiremen were up in arms against him, and were advancing to the relief of the place, under the command of Robert de Stuteville and his son. William's army was at this time weakened by the detachments he had left before Carlisle, and sent to Leicester; he therefore thought proper to retire, and to lay siege to the castle of Alnwick; commanding out parties, at the same time, under the earls Duncan and Angus, to lay the country waste, and thereby prevent the approach of the English. It is more than probable that the English had fallen upon and defeated either one of those parties, or that division of the Scots which was sent to the relief of Leicester. For Robert de Stuteville and Ralph de Glanville, equipping a choice body of their own followers as Scots, formed a design of surprizing the person of that prince, now secure and intent upon the fate of the siege. Accordingly, on the 11th or 12th of July, 1174, they left behind them the main body of their army, and making prodigious marches with a party of light horse, they came within sight of the Scotch camp. There is little reason to doubt but they had received intelligence, either from the garrison, or by some about William, of the unguarded manner in which he acted; for they descryed him early in the morning viewing some ground, attended with no more than sixty horsemen. The disguise of the English prevented them from discovery; and William, imagining them to be a detachment of his own men returning from foraging, at first made no resistance; but he quickly found his mistake, and fought, when too late, to disengage himself. His horse, in the dispute, was killed under him, and he was at last taken prisoner, with all his retinue, who were mostly English and Normans in the party of the younger Henry. Such are the circumstances of this prince's captivity, as recounted by English cotemporary writers, who must be credited until the Scots can produce better authorities, for what they advance, than authors living some hundreds of years after the event, and who quote manuscripts which never existed but in the brains of bold, busy impostors.

A.D. 1174.

William king of Scotland taken prisoner.

The barbarity of the English to their royal prisoner does more discredit to their memories, than all their success in the enterprise did honour to their persons. As if he had been the vilest of traitors, he was put upon a horse, with his feet tied under the belly, and ignominiously carried to Richmond castle, there to be kept till Henry's pleasure was known. The earl of Flanders had by this time marched down to Graveline with all his army; but contrary winds prevented him and young Henry from putting to sea. It is hard

His barbarous usage.

The Flemish invaders disappointed.

A. D. 1174. hard to say what the event might have been, had not this obstacle happened. The elder Henry was now in Poitou, where he reduced the city of Xaintes. From thence he marched into Anjou, where he took the castle of Ancenna; and, after ordering several forts to be built, he chastised the inhabitants, and then returned to Normandy; while his son and the earl of Flanders were waiting for a fair wind. There, with amazing expedition, he settled his affairs; and going on board at Barfleur, which it seems lay more convenient for the navigation into England, in the then state of navigation, than Graveline did, he landed, together with his queen, and the earls of Leicester and Chester, all three prisoners, and a good body of Brabant mercenaries, on the 8th of July, five days before the capture of the king of the Scots. The first thing he did, after his landing, was, for obvious reasons, to go in pilgrimage to the tomb of Thomas Becket, now fainted. No sooner did he come within sight of the cathedral, where the body of this pretended saint lay, which was three miles distant, than he alighted from his horse, and walked barefooted to the tomb of the saint, his blood, drawn by the pebbles, marking his steps all the way. There he ingloriously prostrated himself, while he was, on his bare back, whipped by the bishops, abbots, and monks there present. After this, he lay all night on the pavement, without any thing under him, and spent all the next day in fasting, as he had done the day before. Afterwards he made a solemn procession round all the altars in the place; and then returning to the shrine of the sainted Becket, he set out, on the 13th of July, for London. To such meannesses was this great king reduced!

Henry's discipline before Becket's tomb.

His great success in England.

They had, however, a wonderful effect upon his affairs; for the capture of the king of the Scots happening the very day that Henry set out for London, that fortunate event was, by churchmen, ever powerful with the populace, attributed to the intercession of the new saint, now reconciled to Henry's person and glory. The king, by his behaviour, encouraged this belief, and set out with his army for Huntingdon, which still continued to hold out against Simon de Lys, but was now obliged to surrender, upon no other terms, than that the lives and limbs of the garrison should be preserved. From thence Henry marched against Hugh de Bigod, one of the most powerful rebels, and sat down before his castle of Framingham. Bigod, who was no stranger to Henry's abilities and courage, durst not venture to stand out to extremities. He entered upon a capitulation; and, upon his delivering up the castles of Framingham and Bungey, he obtained pardon for himself, and liberty for the Flemings who served under him to depart to their own country. Henry went then to Northampton, where he was presented with the king of the Scots, brought before him in a most ignominious manner; and the bishop of Durham, who in all the late troubles had acted in a pretty independ-

ent manner, now surrendered into his hands the castles of Norham and Alverton; as the earl of Leicester's officers did those of Leicester, Mount Sorrel, and Groby. At this time, likewise, he forced Moubray to deliver up to him the castle of Thurik; as did the earl of Ferrers those of Stuteville and Duffelde.

This prodigious career of successes rendered it impracticable for the designed invasion from Graveline to take place. In less than four weeks, all England, from the most imminent danger of being lost to the elder Henry, was reduced to tranquility under his government. The hopes, therefore, of his enemies were entirely disconcerted here; and the king of France was obliged to dispense with the performance of the oath of the earl of Flanders, on condition that the latter would join with him in carrying on the war with vigour in Normandy. The earl, therefore, brought his troops from Graveline, where they had long lain, in expectation of a favourable wind; and joining the army of France, both together formed the siege of Roan. But the Normans, who were well affected to the elder Henry's interest, foreseeing this design, had thrown themselves into this important city, and declared their resolution to defend it till the last extremity.

The French and Flemish besiege Roan.

During these transactions in Normandy, Henry formed an alliance with the Welsh, whose prince, David, now married Emma, his natural sister. He then took into his pay a thousand Welshmen, and, hearing how his affairs went in France, left England, where he had now little to dread, and carried his mercenary Welsh along with him to Normandy. Their first action there, was to intercept a convoy of forty waggons, loaded with wine and provisions for the French camp. This action gave Lewis a great opinion of their address in arms, and rendered him very much upon his guard.

In the mean time, Henry sent his prisoners, the king of the Scots, with the earls of Leicester and Chester, first to Caen, and then to Falaise; and, without any difficulty, threw himself, with a strong body of his forces, into Roan. The ardour of the garrison, animated by his presence, could no longer be restrained; the gates of the city were thrown open, and the garrison insulted the French camp. They paid dearly, however, for this ostentatious valour; and the king of France, if we may believe our own historians, in a manner very unbecoming a man of honour, drew off his troops with safety. For we are told, that, by the intercession of the archbishop of Sens and the earl of Blois, he was permitted to withdraw with his army to a place called Malanny, upon condition of his entering next day upon a treaty with Henry; which, without any regard to the plighted faith of the mediators, he neglected to perform, and withdrew entirely on August 14. This circumstance of treachery, however, seems very suspicious, and is by no means consistent with all the other transactions of this period.

which is relieved by Henry.

For soon after, the same mediators prevailed

A. D. 1174.

A. D. 1174.

His son Richard submits.

Agreement between Henry and his sons.

The articles.

Rymer, p. 37.

Reflections thereupon.

Progress of the English in Ireland.

vailed with Henry to agree to another conference at Gisors, on the 8th of September. Both parties, by this time, heartily wished for peace; but the impetuous Richard, second son to Henry, was still in arms in Poitou, committing hostilities on all who stuck to his father there, and refused to come into any accommodation, but upon his own terms. His obstinacy rendered this meeting likewise ineffectual; and young Henry, with the king of France, exasperated at him, abandoned him to his father, to whom they swore they would give no disturbance, while he endeavoured to reduce him by force. Richard, depending upon the support of the French king and his brother, was amazed when he found himself deserted by both: he delivered up all the places he had taken, and at last fell at his father's feet, on the 23d of September, at Poitiers. The latter received him with a parental affection, as if Richard never had offended him; and another meeting of all parties was appointed, on Michaelmas following, between Tours and Amboise. Here all the three sons made ample submissions to their father, who pardoned them; and the following was their agreement, consisting of thirteen articles, the heads of which were as follow:

By the first, the sons of Henry renounce all the engagements they had entered into against him.

By the second, they absolved all their tenants and barons from the oaths they had entered into against the elder Henry, and returned to their allegiance.

By the third, all the elder Henry's tenants and barons were to re-enter upon those estates they held fifteen days before the rupture. The same provision was made for the barons and others, who had followed the princes against their father.

The fourth provides an absolute pardon, without reserve of ill-will and malice, on the parts of the kings, elder and younger, to all parties who had taken up arms, upon their future good behaviour.

By the fifth, the elder Henry gives to the king his son two convenient castles in Normandy, and fifteen thousand Anjovine pounds. To Richard he gives two convenient castles in Poitou, to be held so as no damage may thereby accrue to his father, with half the revenues of Poitou. To his son Geoffrey (who it seems had not yet consummated his marriage with the daughter of the earl of Brittany) he gave half the revenues of that earldom; and, upon such consummation, promises to give him the whole.

By the sixth, a provision was settled for the prisoners; but the king of the Scots, the earls of Leicester and Chester, with Ralph de Fougeres, were expressly excluded from all benefit by it. And it was provided, that Henry the elder should exact pledges from as many of them as he thought proper, and as were able to give them; while the others were to swear fealty to him anew.

By the seventh, all castles, fortified in

the time of the war, were to be reduced to the same state they were in fifteen days before the rupture; but this was left to the elder Henry's pleasure.

By the eighth, the younger Henry promises to execute faithfully all his father's charitable and other donations.

By the ninth, he promises faithfully to observe his father's will, in the provision for his son John, viz. one thousand pounds yearly out of his estates in England, with the castle and earldom of Nottingham, and their dependencies, and the castle of Marlborough, with its dependencies; and, out of Normandy, two castles, such as his father should appoint, with one thousand pounds of Anjovine money; out of Anjou one thousand pounds, of Anjovine money; out of the estates belonging to the late earl of Anjou, with one castle; and one castle in Main, with another in Tourain.

By the tenth, all forfeitures were pardoned, incurred in consequence of any subjects leaving the king; and they are not accountable for any effects they might have carried off; but, in all capital cases, and breaches of the peace, they were to put in sureties for standing their trials, according to the laws of the land. Likewise all forfeitures incurred before the war broke out, were recoverable; and all pleas and suits, commenced before the rupture, were to remain in statu quo.

The like provision was made, by the eleventh, with regard to those who were in courts of justice before the war, and had gone off to join the young king.

By the twelfth, king Henry the younger promises an exact observance of the above articles, as did his brothers; promising, at the same, never to offer, by violence, to extort from him any conditions, other than what were then and there expressed; and never again to withdraw their allegiance from their father and lord the king.

By the last article, the two princes, Richard and Geoffrey, became the king their father's liegemen.

Such were the articles of agreement between Henry and his sons, by which it appears, that his conquest over them was full and complete, every thing being stipulated so much for his dignity and advantage. As a farther proof of this, there is an insertion, at the close of the instrument, before the witnesses subscribe, by which we are told, that the younger Henry offered to do homage, as his brother had done, to his father; but that the latter would not suffer him, because he was a king. As to the share which the king of France had in the terms of the above treaty, that is not so clear; unless we suppose, as there is reason to believe, that a separate treaty was concluded between him and the elder Henry; or that the articles, stipulating restitution of all places taken by either side during the war, were sufficient to adjust all differences between them. Let us now return to Ireland.

Notwithstanding the facility with which Henry had reduced that country, yet the people

A. D. 1174.

The Irish
form a con-
federacy a-
gainst all the
English there.

people there were far from being quiet under their new masters. I am apt to believe this was owing to the oppressions of the latter, who, as is generally the case with all who possess a country under the notion of conquest, were guilty of great excesses. In short, the Irish, soon after the death of Ororic, entered into a general confederacy to expel out of their country all the English. Though this resolution was both wise and justifiable, yet the English looked upon it as an act of rebellion. The juncture was favourable, through the troubles which had just happened to Henry; and nothing but his having given the English, whom he entrusted with the government of the country in his absence a property in the soil, could have prevented the Irish from recovering their independency. Their preparations soon came to the knowledge of the English government. All means were used for preventing or bridling a revolt; but the confederacy became now too general to be crushed by any precautions, and the natives only waited till the proper season came for action.

Intrigues and
differences a-
mong the
English.

As the conquest of Ireland had been undertaken upon various views, and by different adventurers, so, many factions and intrigues had, by this time, been formed among Henry's officers. Harvey of Mount Morrice had served Henry, with great reputation, in his wars on the continent; he possessed great advantages of body and mind; but with unmeasurable ambition, he was guileful, treacherous, and cruel. Raymond exceeded him in all his good qualities, but was void of his bad ones. As personal knowledge, however, has great influence in the choice which kings make of their ministers and generals, so Raymond, notwithstanding the eminent services he had performed, was supplanted by Harvey in Henry's affections, and was obliged, upon the king's departure, to resign to Harvey the command of the forces. It seems likewise to have been owing to the practices of Harvey, that Fitz-stephens and Fitz-gerald, the original adventurers, had been so meanly rewarded. This conduct of Henry gave great offence to his soldiers in Ireland. The earl of Striguel, commonly called Strongbow, was at this time at Henry's court. He knew himself obnoxious to his master's jealousy, and behaved with great reserve and circumspection, being sensible, from the state of affairs, that the time was at hand when Henry would be under a necessity of again employing him. Daily letters coming to court, with advices of the dissatisfaction of the English army, and the increasing confederacy among the Irish, who now refused to perform any terms of their stipulated subjection, Henry was obliged to give Strongbow a commission, appointing him his lieutenant in Ireland, with power to restore Raymond to his rank in the army, and some money to carry on his affairs. Strongbow, whose chief failing was his being a bad economist, immediately set out from the court, which was then in Roan, and soon dissipated

Harvey sup-
plants Ray-
mond.

Strongbow
sent again
over,

all the money he received, perhaps before he reached Ireland. He arrived soon enough, however, to prevent the English there from an open mutiny, on account of the disgrace which had been offered to Raymond. Harvey was displaced to pacify them; and this put them in so good humour, that they even dispensed with the great arrears of pay which the government owed them.

Raymond soon led them to adventures where they were enabled to repair their fortunes: he first invaded Ophaly, which he plundered; and refitting his men with horses and arms, he fell upon and took Lismore. But the Irish at this time were not idle. The people of Cork, then a city of great wealth for that age and country, had privately built and fitted out no less than thirty-two ships. Raymond got a great booty in Lismore and the adjacent country, and putting it on board some ships which he ordered from Waterford, he gave the command of this petty fleet to Adam of Hereford, one of his officers, with orders to conduct it back to Waterford. The people of Cork, receiving intelligence of this, put to sea, under one Gilbert Fitz-cutger, to intercept them; but, after a smart engagement, in which the Irish admiral was killed by Philip the Welshman, the English squadron got safe into Waterford harbour. In the mean time, Raymond, who had himself taken charge of the living booty, was encountered on his return, by Dermot Mac-carty prince of Desinond, one of the confederates; who being beat, Raymond returned to Waterford with four thousand head of cattle; a seasonable provision for his army.

Raymond's private affairs, about this time, obliging him to go over to Wales, Strongbow, who, though very resolute in action, was diffident in council, not chusing to take the whole of the command upon himself, restored Harvey to his former rank, as knowing his person was most unexceptionable to Henry. Harvey, wanting to rival Raymond, persuaded the earl to march to Cashel, and to order the forces about Dublin to join him at Cashel. It appears that, by this time, the English had entered upon an accommodation with the Danes and Norwegians who resided in or about Dublin, and who were suffered to live undisturbed under the new government, upon their performing military services. Those people, who were called Ost-mans, the same with Easterlings, advancing in a considerable body to join Strongbow, took up quarters in their march at Ossory. As their junction with the English might have disconcerted all the measures of the Irish, Donald Obrian, the active prince of Limeric, took his measures so well, that he surprized them early in the morning, killed their four commanders, and put them to a total rout, after losing four hundred men. The English, though they lay in the neighbourhood, knew nothing of this defeat till it was too late; and Strongbow, being in no condition to resist the enemy, retired with precipitation to Waterford.

A general spirit of opposition now seized the

A. D. 1174.

and restores
Raymond to
his command,

who takes Lis-
more.

Battle by sea
with the peo-
ple of Cork.

The English
victorious.

Raymond re-
turns to Eng-
land.
Giraldus.

The English
allies surprized
and cut in
pieces by the
Irish.

A. D. 1174.

the Irish; every quarter was filled with arms; and Roderic, passing the Shannon, destroyed all the English possessions in Meath, carrying fire and sword even to the gates of Dublin. In this place, and in Waterford, the fortunes of the English were now shut up; their soldiers, dispirited through the absence of their beloved Raymond, refused to act any other way than on the defensive, and every thing now seemed to threaten the extinction of the English interest in Ireland. In this distress Strongbow applied to Raymond. That officer being now in possession of an easy fortune, through the death of his father, had resolved to retire from so ungrateful a service, where so much danger attended success, and so much envy glory. But he had been long in love with the fair sister of Strongbow, who was now offered to his arms, on condition of his coming once more to the assistance, nay deliverance, of her brother. Love proved more powerful than ambition in this fortunate warrior. His high reputation and personal merit soon put him at the head of troops, and he landed at Waterford, with Meyler his cousin, thirty gentlemen of his kindred, one hundred horsemen, and three hundred archers.

Raymond recalled.

So considerable a reinforcement gave new spirits to the English. Raymond opened the communication between Waterford and Wexford, and conducting Strongbow thither, was there married to his sister Basilia. The English garrison left at Waterford was commanded by one Tyrrel; but the Ostmans there hating the English, murdered him, with many of his garrison: the other, however, retiring to the citadel, called Reginald's-tower, made a sally, and drove their enemies out of the city, which thus was preserved to the English government.

The inhabitants of Waterford murder the English governor.

Raymond, that he might give the Irish as little time as possible to breathe, the very day after his nuptials left the arms of his bride, and advancing to Meath, drove Roderic out of that country, and gave orders for repairing the English fortifications there. Roderic, who dreaded Raymond's fortune, upon this, retired towards his own, almost inaccessible, country, and gave Raymond leisure to relieve Dublin, and to re-establish the English affairs there. About the beginning of October, he set out to chastise the prince of Limeric, the author of the greatest check the English had received in Ireland; and having, with incredible resolution, forded the Shannon with his army, consisting of near a thousand men, he took the city of Limeric by storm, after driving the enemy, who opposed his passage, within their walls with great slaughter. Here he found a large booty; and having left a proper garrison in the place, under the command of one Miles, he returned to Lemster, where the English seem, for this year, to have gone into winter quarters.

Raymond takes Limeric.

These successes were equally dangerous, as they were glorious, to Raymond. Harvey represented them to Henry as tending to undermine his title to Ireland, and as if Raymond and Strongbow's intentions had been

to establish an independent authority there. Henry, upon this, ordered Raymond to return to England, and sent four commissioners to Ireland, two of whom were to conduct Raymond to England, and the other two to observe the motions of Strongbow.

A. D. 1175.

Henry the elder kept his Christmas, in 1174, at Argenton in Normandy. Notwithstanding the late pacification between him and his sons, a great deal was yet to be done for resettling the tranquility of his French dominions. He politically made use of Richard to see the terms of the late treaty executed in Poitou, where that young prince's interest chiefly lay. Accordingly Richard marched, by his father's orders, into that country, where he demolished the lately-erected forts, and reduced all things to the condition they had been in before the war. The like orders were given to be executed by Geoffrey in Brittany, which he not daring to refuse, punctually obeyed. About the beginning of February, the two kings of England had another interview with the king of France, at Gisors; and the elder Henry's affairs calling him to Anjou, he left the young king there, and proceeding in his journey, resettled the affairs of Anjou on the same footing they were on before the rupture.

Prince Richard reduces Poitou,

as Geoffrey does Britanny.

The elder Henry really loved his children; but not so well as he did his power. His eldest son, ever since the late pacification, perceived he was little other than a prisoner of state royally attended. The emissaries of the French court took care to improve his discontent, by suggesting, that, should his father ever get him over into England, he would shut him up in prison. When Henry, therefore, returned from Anjou, he sent for his son to meet him at Caen; but the young man, at first, shewed great reluctance. Henry, who sincerely desired to keep him attached to his person, sent him several endearing messages; at last the young king was prevailed upon to come to Bure, where he thought he could be in greater safety than at Caen. Among the other causes of his discontent, one was, that his father, in the late pacification, affected, as we have already seen, to refuse his homage; and indeed the reason the elder Henry gave for it, was of itself ridiculous and frivolous. His own predecessors, and he himself, though an independent sovereign, had done repeated homage to the kings of France, for their French possessions. Young Henry was as much a vassal to his father for his Norman possessions, as he and they had been to the court of France. The true construction, therefore, upon the elder Henry's refusal was, that the enjoyment of the estates, granted by the treaty of Gisors, to his eldest son, should entirely depend upon his pleasure; the younger Henry not being put upon the same footing as the other military tenants were. This was unreasonable, as, unless he was admitted to do homage, his possession was entirely precarious. He therefore made a point of this; nor could the refined cunning of his father evade it. He therefore accepted

Young king Henry again discontented;

Henry jealous of his success.

A. D. 1175.
but is recon-
ciled to his
father.

of his son's homage at Bure, in presence of the archbishop of Roan, the bishop of Bayeux, the earl of Mandeville, and Robert Humet constable of Normandy.

The younger Henry, by this act, became, what he really was not before, a person of importance in the Norman court; nor could his father avoid employing him in his affairs. The young man now seemed to be entirely satisfied, and the reconciliation was so perfect, that his father ventured to let him visit the king of France upon their common affairs. Soon after, they met, by appointment, at Caen, where the earl of Flanders resigning to the elder Henry the charter he had got from the young king, was, by the former, confirmed in the pension of a thousand merks, stipulated to be paid him by former kings of England. Soon after, both kings embarked at Barfleur, and landed in England about the 9th of May.

Henry returns
to England.

His inquisi-
tions here.

Henry the elder, upon his return to England, entered upon a strict inquisition into the conduct and estates of several noblemen. Their having joined with him, during the late troubles, was no excuse; if they were formidable, they were, in his eyes, guilty. One of his best subjects, the earl of Gloucester, felt this to his cost. Henry impeached him with having seized, during the war, upon the castle of Bristol; and the earl being in no condition to resist, immediately resigned it. Henry then prosecuted many of his English subjects, who he pretended had incurred forfeitures, by hunting in his forests during the late war. No provision had been made in favour of such by the pacification of Gisors; but Henry knowing that the most popular act he could do to the English, in time of his trouble, would be to grant them licences for that purpose, had sent over such licences to his trusty lieutenant Richard de Lucy, who, upon this occasion, generously took the part of the subject, and pleaded for the force of the royal mandates. But Henry was not of a spirit to be diverted from any measure which suited his interest, however repugnant to his honour. The delinquents were fined, and he thereby got a large sum into his exchequer. His next step was with regard to the king of the Scots; but we must now return a little backwards.

While the king of the Scots was prisoner at Falaise, Henry made some propositions to him for his liberty. Though they were shameful in themselves, and, as I shall, in a separate dissertation, prove, inconsistent with that independency which the crown of Scotland had hitherto ever maintained; yet love of freedom prevailed with the degenerate prince to accept of them. A convention was accordingly signed, by which all ambiguity, in former conventions between the ancestors of either party, was taken away; and William was the first prince who, in direct terms, acknowledged the kingdom of Scotland to be no better than a fee from the crown of England, and consented to hold it as such. But Henry reasonably foresaw, that this unprecedented subjection would be disputed by the Scots, as being granted

The king of
Scots gives up
the independ-
ency of his
crown to
Henry.
[Rymer's Acta
Pub. p. 39.]

upon compulsion, while their king was in duress; he therefore obliged William to consent to the delivery of his chief castles immediately into the hands of his officers. These were the castles of Roxburgh, Berwick, Jedburgh, Edinburgh (in the convention called the castle of Maidens) and Sterling, the garrisons of all which William was to maintain out of his own revenues. In short, lest any dispute should be had about surrendering those castles to the English, Henry forced William to resign into his hands, as hostages for the performance of the treaty, his brother David, with twenty of his prime nobility. The castles were accordingly delivered, and Henry being now perfectly secure on that quarter, suffered William to return to his kingdom.

[Rymer.]

Henry, to prevent all objections which the court of Scotland might form from the compulsion its king was under when he made those concessions, after settling his affairs in the south of England, summoned William to meet him and his son at York, in August, 1175. Here William and the Scotch nobility, with all the proprietors of that kingdom, ratified the convention of Falaise, and putting themselves under the protection of England, took an oath of fealty and submission to Henry. It is in vain for the Scotch writers to deny or extenuate this fact, by some frivolous allegations; to answer it all at once, they ought, like men of sense and spirit, to say, that no power can give up the liberties of those who are determined to live or to die free; that their king was their servant, or at best their trustee, and could make no such concessions to England as he did, even though he had been at large, far less could he when in duress. This fairly answers all the claims of the English, arising from the deed of the Scotch king. But the latter still urge the confirmation of the Falaise convention after William's return. This admits of almost the same reply. William had purchased his liberty, but at the expence of that of his kingdom. This was now in duress as much as his person had been before; and Henry had only exchanged the freedom of the king for that of his people, by getting into his hands all the strength of the nation. From this principle, which is founded upon undeniable facts, laid down by the English records, it appears, that the deed of the people was equally void in itself, as had been that of their king. But other circumstances contributed more strongly to this compulsion.

His act ratified
by the Scotch
nation.

Reflections
thereupon.

After the capture of William's person, the English made several attempts to drive the Scots back from Cumberland, and all they held on the south of the Tweed. But William's army, led by one Roland and the brave Gilchrist, repelled them, though not without the loss of all that the Scots held in Northumberland. At last a truce, equally convenient for both people, was agreed upon. But the princes of Galloway took advantage of William's captivity, and the broils of Scotland, to set up for themselves. Their names were Huftred and Gilbert, sons of Fergus,

and on the
causes thereof.

A. D. 1175.

History of
Galloway.

Benedict ab.

p. 60.

The Gallovi-
dians checked
by the Scots.

Fergus, the late prince of Galloway. Their success was at first considerable; for they expelled all the Scotch publicans, and put to the sword all other foreigners who had settled in their country, and demolished the forts erected to bridle it. At last, the brother's supplanting each other, Huftred was slain by order of Gilbert, who offered to put himself and his people under the protection of England, and to pay Henry two thousand merks of silver yearly, with five hundred cows, and as many hogs. Henry's commissioners were Hoveden the historian, and Robert de Vaus, governor of Carlisle; but these, refusing to make any final agreement, referred the matter to Henry in person. The latter had, by this time, got from the Scots all he required, and therefore declined the submission, under pretence of his abhorring the murder of Huftred. Such is the account, from unquestionable authorities, of this transaction. The Scots, by this neutrality, were powerful enough to check the ambitious Gallovidian; and, perhaps, the dread of him, next to Henry's possession of their strong holds, contributed most to the submission they had made. As every true Englishman must have a passion for civil liberty, where-ever existing, none can be offended with my putting this matter in its true light. Had the submission of the Scots been as legal as it was ample, and as permanent as it was mean, it reflected no honour, it could give no advantage to the people, whatever it might to the crown, of England. This distinction, which has been but little known to the English, and not at all to the Scotch, writers, will be often a ready clue to direct us through the labyrinths of historical difficulties; since no truth is more certain, upon the face of the history of England, than that the power of her kings was, before the time I write, and some time after, inconsistent with the liberty of the people.

The prince of
Galloway
takes the title
of king.
Boece, Buchanan, Aber-
cromby.

One of the first exercises of Henry's new-acquired sovereignty over the Scots, was to give them leave to subdue the prince of Galloway, who was now formidable by his progress as well as his pretensions, and had actually assumed the title of king. I shall not enter into any disquisition how far (especially since William had, in effect, unkinged himself) this prince was justifiable; this belongs to the Scottish history; but it is by no means clear to me, that he was subdued, though perhaps he was quieted, by Gilchrist, who soon after was rendered more illustrious by misfortune, than ever he had been by success. From Scotland let us now move to Ireland.

The names of Henry's commissioners sent over to Ireland, were Robert Poer, Osbert de Hereford, William de Bendinge, and Adam de Gernemne. As Raymond, with all dutiful submission to Henry's orders, was preparing to return with two of them to England, the Irish, encouraged by the prospect of his absence, made fresh efforts for their liberties. Donald, the prince of Thomond, invested the town of Limeric with a great force, and the garrison were in the utmost

distress. Strongbow prepared to relieve them; but his soldiers, seeing themselves on the point of being deprived of him under whom alone they had ever been victorious, refused to march, but under the command of Raymond. The necessity of the service could admit of no delay; and Raymond was pressed, not only by Strongbow, but by the royal commissioners themselves, to undertake the command. Setting out at the head of about six hundred men, and some undisciplined Irish, he received intelligence that Donald had abandoned the siege of Limeric, and was preparing to dispute his progress, by fortifying the pass of Cashel. But Raymond's good success attended him; he forced the enemy's retrenchments sword in hand, and opened his way into Limeric, which he now relieved and repaired.

A. D. 1175.

Raymond re-
lieves Lime-
ric.

This threw Roderic and Donald into the utmost consternation; and all the hopes they had conceived by Raymond's absence, now vanishing, they proposed to renew their submissions to the English government. The preliminaries were now settled between them and Raymond, and it was agreed, that Roderic should send deputies to England to obtain a final treaty.

This affair was of such consequence, as to occasion Henry's calling together a parliament at Windsor, soon after Michaelmas, 1175. The deputies on the part of Roderic were, the archbishop of Tuam, the abbot of St. Brandons and his chancellor, and one master Lawrence. The articles agreed on were in substance as follow:

I. The king of England grants to the said Roderic, his liegeman or vassal, that so long as he faithfully served him, he should be king under him, ready at all times to do him service; and that he should hold his country as quietly as he held it before his lord the king of England entered Ireland, paying to him his tribute; and should also keep all the inhabitants under his obedience, and make them pay their tribute to the king of England; and they should all retain their estates so long as they continued in the fealty of the king of England, and paid him his tributes and other rights by the hand of the king of Connaught: but if any of these people should prove rebels to the king of England, and refuse to pay his said tribute, or should depart from their fealty, the king of Connaught himself was to do justice upon them, or to remove them; and if he could not do justice upon them, the constable of the king of England, and his dependants in that country, help him to do it, if thereunto required, and that there were necessity for it.

The terms
thereof.
Rymer, Tyr-
rel, Brady,
Hoveden.

II. To this end also, the king of Connaught should render to the king of England, yearly, as his tribute, the tenth hide of every beast killed, that was made saleable for the merchant, and that, as well out of his own land or country, as out of others; always excepted what the said king of England held in his own demesnes, or in that of his barons, to wit, the counties of Dublin and

The Irish re-
volt.

A. D. 1176. and Meath, with their appurtenances; also except Wexford, with its appurtenances; and except Waterford, with all that country, Dungarvan excluded.

III. If the Irish who fled away, would return to the service of the barons of the king of England, they might do so in peace, paying the said tribute, and doing their ancient services; but if any of them should refuse to come to their lord the king of Connaught, he might compel them to return to his lands, yet so as there to remain in peace; and the king of Connaught might receive pledges of all those whom the king of England had committed to him; and he likewise should give, as pledges, either those or others, according to the will of the king of England; and should serve the king about his hawks and hounds, and not retain any of the king's land, against his will and commandment. This agreement was witnessed by Richard bishop of Winchester, Lawrence archbishop of Dublin, and others of the lay-nobility.

Henry, for the first time, makes an Irish bishop.

Henry proceeds in his civil regulations.

He holds a parliament at Northampton.

Those articles being sworn to by the ambassadors, Henry, as a mark of his direct superiority over Ireland, appointed an Irishman, one Augustine, to be bishop of Waterford.

The troubles that had preceded and followed the death of Becket, had prevented Henry from enforcing the constitutions of Clarendon, so far as they related to civil matters. This lay greatly at his heart; and the chief difficulty was, how to put them in execution. To remove this, in 1176, he held a parliament at Northampton, where the kingdom was divided into six parts, each of which had three itinerant justices, either barons or knights, assigned it. The division, and the names of the first justices, we shall here set down, to preserve so memorable an institution, and to satisfy our readers.

Justices.	I.	Shires.
Hugh de Cressi, Walter Fitz-robert, Robert Mantel,	}	Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, Bedfordshire, Buckinghamshire, Essex, Hertfordshire.
	II.	
Hugh de Gundeville, William Fitz-ralph, William Bassët,	}	Lincolnshire, Nottinghamshire, Derbyshire, Staffordshire, Warwickshire, Northamptonshire, Leicestershire.
	III.	
Robert Fitz-bernard, Richard Giffard, Roger Fitz-reinfray,	}	Kent, Surrey, Hampshire, Sussex, Berkshire, Oxfordshire.

Justices.

IV.

Shires.

William Fitz-stephens,
Bertram de Verdun,
Thurstan Fitz-simon,

{ Herefordshire,
Glostershire,
Worcestershire,
Shropshire.

V.

Ralph Fitz-stephens,
William Ruffus,
Gilbert Pipard,

{ Wiltshire,
Dorsetshire,
Somersetshire,
Devonshire,
Cornwall.

VI.

Robert de Vaus,
Ranulph de Glanville,
Robert Pikenot,

{ Yorkshire,
Richmondshire,
Lancashire,
Copland (a division
in the north)
Westmoreland,
Northumberland,
Cumberland.


The reader may perceive that this division of the kingdom into counties does not greatly differ from what still subsists. As to Copland, which is named as a distinct county, it probably formed the northern part of Lancashire, joined to the southern parts of Westmoreland and Cumberland. The other variations are easily seen.

The king ordering those judges to swear, that they would cause the statutes made at Clarendon, and renewed by the present assembly at Northampton, to be observed, all of them departed to their several districts. This regulation was, in effect, the first which reduced the civil plan of policy in England to any certain method of justice to the common and inferior people, after the conquest; and, in this respect, England owes more to Henry, than she did for all the shining advantages he gained. As to the disputes about church matters, which happened in this assembly, between the English clergy and the state of Scotland, I refer them, as being purely ecclesiastical, to the church history of this period; only it may be proper to inform my readers, that a legate coming from Rome, upon pretext of composing those differences, Henry had still spirit enough to oppose his residence in the kingdom, unless he swore, that, during his legantine power, he would do nothing to the prejudice of his kingdom and person.

It was no wonder that the younger Henry, seeing every thing transacted without his advice, perhaps some things without his knowledge, grew very uneasy at possessing such a mockery of power in England as he then held. But he knew his father's jealousy and penetration too well, for him to give it vent; he therefore pretended that he was under religious engagements to pay his devotions at the shrine of St. Jago in Spain, and earnestly requested his father to suffer him to repair thither. Henry saw into his son's mind, and thought it equally dangerous totally to refuse or comply with this request; he indulged

Contents of the judges commission.

Young Henry discontented.

A. D. 1176.  indulged him so far, as to give him leave to go to Normandy for some time; but, while he waited at Portsmouth for a fair wind, his two younger brothers, Richard and Geoffrey, arrived in England. The elder Henry, being then at Winchester, sent for the king his son, and there the court kept Easter with great magnificence. That ceremony being over, he gave a concession to the young king, and his brother Richard, for raising troops in his French dominions, and reducing the Poictovines, some of whom had joined with his disbanded mercenaries the Brabanders, and had invaded his dominions. The pretence of the Brabanders was, because the elder Henry had defrauded them of their pay. The two young princes executed this commission with great success, and soon reduced the rebels to their duty.

He and prince Richard reduce the Poictovines and Brabanders.

Henry seizes the rebellious and other forts.


In this year, 1176, Henry perceiving that a great abuse had crept in through the non-execution of that plan of government which he had laid down in the beginning of his reign, now resumed it; for he this year, about Michaelmas, held a parliament at Windsor, from whence he sent commissioners to inspect the state of the castles through the kingdom. Their instructions were, to seize for the king's use all the castles which had been built upon the demesnes of the crown, or were held by barons or others not properly qualified; and especially all forts which had been erected since the beginning of the late troubles, either for him or against him, by whomsoever held. This measure might, under any prince but Henry, have been attended with great difficulties in the execution; but he well knew how to make himself obeyed; and with so much firmness did he proceed, that he took even from his favourite, Richard de Lucy, his castle. The like measure he put in execution in Normandy. But not contented with a bare seizure or resumption, he wisely reduced the expences of his government, and averted all danger, by ordering the castles, both in England and Normandy, which lay in the most disaffected parts of the country, to be demolished. Leicester, Groby, Tresk, Malefart, Alverton, Framingham, and Bungey, were of this number; and all the lately-erected forts in both countries, excepting Pacey and Mount-forrel in Normandy.

The prince of Galloway does him homage.

To the same council repaired Gilbert prince of Galloway, with a safe conduct from the king of the Scots. This prince, as I have remarked of his predecessors, had ever claimed a kind of independence upon the crown of Scotland; but that crown itself, now submitting to England, he was in no condition to hold out; he therefore swore fealty to Henry, and gave him a present of a thousand merks of silver as an atonement for his brother's murder, leaving his son Duncan at Henry's court as a hostage for his good behaviour.

Henry's reputation was, at this time, very high all over Europe; and William king of Sicily was now negotiating, by the bishop of Troyna and others, a marriage with the princess Joanna of England, Henry's daughter.

NUMB. XLVII.

A. D. 1176.  The latter thought that an affair of this importance required the deliberation of a public council; he therefore summoned together a parliament at London, where the proposal was laid before them, and approved of. The ambassadors, charmed with the beauty of the young princess, to whom they were now admitted, did all they could to forward the match; and Henry sent her over with a magnificent retinue, having first settled the marriage terms, which the king of Sicily confirmed by a solemn charter, sent to Henry by a bishop.

The princess Joanna married to the king of Sicily.

We are now to attend a new scene, which this year opens in Ireland. The gallant

Affairs of Ireland.

Raymond, having greatly reduced those tumultuous islanders, was advancing his conquests in Cork, when he received from his wife the following billet, which discovers her to have been a lady both of judgment and wit: "Know, my dear lord, that my great cheek-tooth, which used to ache so much, is now fallen out; wherefore, if you have any care or regard of me, or of yourself, come away with all speed."

Raymond, soon apprehending the meaning of his wife, perceived that her brother Strongbow was dead, that the posture of affairs required his immediate presence, and that it might be of dangerous consequence should Strongbow's death be publicly known.

Strongbow's death.

He immediately returned to Limeric, which not having an army sufficient to garrison it, he delivered up in trust to Donald prince of Thomond, who had now sworn fealty to the English government, and was looked upon as the best soldier among all the Irish princes. But no sooner had the English passed the bridge, in their march to Dublin, than Donald set fire to the city in four different places, and ordered part of the bridge to be broken down, to prevent the English from immediately returning to punish him. Raymond saw his proceedings, but found himself under a necessity of proceeding in his march to Dublin, where he arrived about the beginning of June. Here the funeral of Strongbow was celebrated with all the pomp of that age and country, by the archbishop of Dublin. His tomb is yet to be seen, together with that of his son, in Christchurch at Dublin. It is but just we should say somewhat farther with regard to the character of this great man.

Raymond delivers Limeric to the prince of Thomond.

who fires that city.

Giraldus Cambrensis, who we may well presume to have been personally acquainted with the conquerors of Ireland, has left us the character of Strongbow, drawn in a masterly, classical manner. He tells us, that in his complexion he was ruddy, and soulfaced; but his voice and features womanish; his neck short and thick; in most other respects, personable and tall: that he was generous and gentle, and had great command of persuasive language: that in peace he was rather submissive than assuming, and had more of a soldier about him than of a general: that he never did aught without the advice of his friends; ever forbearing, even in the field, all singularity in obstinacy or presumption; but, after he was engaged, so determined,

Character of Strongbow.

A. D. 1177. determined, that his person remained unmoved, as the standard where his soldiers rallied to renew the fight: in either fortune of war, upright and unchanging; neither suffering himself to be overwhelmed by despair in adversity, nor losing in prosperity the ballast of steady conduct. But the reader, perhaps, will be pleased to be informed of a fact relating to this hero, which proves how inflexibly attached he was to military discipline, and what, more than Roman, sentiments he entertained of honour and virtue. For we are told, that his son, a youth of no more than seventeen years of age, upon a certain occasion, fled from the numbers and frightful ululations of the Irish, as they were advancing to battle; but hearing they had been beaten by his father, he returned, and mingled with others in congratulating the success of the day. Strongbow, however, thinking that the reproach of cowardice was indelible, though only once incurred, and that too by a stripling, pronounced sentence, that the youth should suffer death, by being cut asunder in the middle with a sword; which was instantly executed. The young man, however, had the honour of a tomb erected to his memory, near to that of his father, in the same church. But to return to our history.

Story of his son's death.

He is succeeded by Fitz-adelm.

Coxe's Hist.

We may well imagine that the news of Strongbow's death was by no means disagreeable to Henry. He instantly sent over William Fitz-adelm, the ancestor to the noble family of the Burks, to receive the government from Raymond, to whom it had been entrusted ever since Strongbow's death. This Fitz-adelm was a man of great quality, bred about courts, and, as he is described by Giraldus, in his person, the epitome of every thing that was lewd and little, wicked and venal. He was received by Raymond with great regard. He had with him, as assistants in his commission, Courcy, Fitz-stephens, and Cogan. Raymond likewise, to give the last testimony of deference to his sovereign's will, resigned into Fitz-adelm's hands all the forts, cities, and hostages belonging to the English in Ireland.

Progress of Henry's arms in France under his two eldest sons.

Henry never could think himself safe, while the working spirit of his sons was without employment: he seems to have taken care that they should be either immediately under his own eye, or in the field, where the business of arms gave them but little leisure to mind the intrigues of state. I am inclined to believe, that he kept his affairs in France ever in an unsettled condition, that his sons might there find exercise; and that the sudden turn which his affections began now to take towards the English, was owing to the desire he had of preserving a sure retreat, in case of farther commotions. The year 1177 was begun by the siege of Auxerre in France by prince Richard, which was defended by its viscount; but he was obliged to surrender the place in ten days after the siege was formed. Bayonne fell into Richard's hands in other ten days; and his ambition led him to push his good fortune even to the frontiers of Spain, where he made some

conquests, and forced the inhabitants of the neighbouring towns and forts to swear, that they would keep peace with the king his father. In the mean time, the younger Henry reduced the castle of Doles, which had been violently seized, and held out against Henry, by the relations of a young lady to whom it belonged by inheritance. Geoffrey the earl of Brittany, and earl John, seem all this time to have resided with their father.

An ingenious writer has divided the life of Henry the elder into five acts, of which he makes the period I now describe the fourth. His late state, like elasticity in bodies, now raised his fame and glory the higher in proportion as it had been depressed. All Europe, from hating and fearing, now began to admire and revere him. His abilities were superior to envy; his power was guarded beyond insult; and his clemency now made more conquests in peace, than his arms had in war. England now knew what it was to be governed by English councils; her laws were daily acquiring a new degree of duration, through the accessions of strength they received, by having once more for their foundation the plan of her venerable Saxons. But while England was governed, Normandy was enthralled, by Henry; Scotland felt his chain; Ireland, his bridle; and Wales ministered to his power, by impolitically furnishing soldiers for his Irish conquests. Brittany, Anjou, Poitou, Maine, Tourain, Lemosin, Gascony, Guienne, and all France, as far as the borders of Spain, were reduced to his dominion. The effect of all this was, that Henry, after sinning like David, and like him conquering his unnatural offspring, was now admired like a second Solomon, and consulted as an oracle to settle the claims of contending princes. For we shall soon see at his court ambassadors from Manuel the emperor of Constantinople, of Frederic emperor of the Romans, of the archbishop of Triers (the most powerful prince in Germany), of the duke of Saxony, and of Philip earl of Flanders. These, with many other honours, hitherto unknown to an English king, compose this period of his history, which I now proceed to finish.

Reflections upon Henry's power and happiness at this time.

While Henry's two sons were enlarging his power on the continent, the king of France sought to contract an important alliance with the earl of Flanders, from whom he demanded his two nieces, daughters of his brother Matthew earl of Bulloign, for his son Philip and for the earl of Blois, in marriage. The uncle, however splendid the French proposals were, durst not venture to conclude a matter of so much importance, without previously acquainting Henry. He therefore, in the beginning of the year 1177, sent over ambassadors, who found Henry holding a parliament at Northampton, where they laid their master's commission before him and his peers. But Henry had entered into engagements of interest with this politic earl and his deceased brother, and the ambassadors insisted on his performing them at the same time. Henry, unwilling either to

The earl of Flanders acquaints him of the king of France's proposals to his nieces.

break

A. D. 1177. break with, or to gratify, the earl, in performing obligations which had been forced upon him in his distresses, returned an evasive answer, and gave the earl to understand that he was ready to fulfil all his engagements, even beyond what he had promised, provided the latter did not dispose of his nieces in marriage, against his (Henry's) liking. He soon after sent over two ambassadors, Walter de Constance and Ranulph de Glanville, to treat farther with the earl, who swore, that he would not dispose of his nieces in marriage without Henry's consent.

The great cause between the kings of Arragon and Navarre referred to Henry.

An affair of a very extraordinary nature now came before Henry, as the sole arbiter. His son-in-law, Alphonso king of Castile, and Sancho king of Navarre, had, upon grounds foreign to the design of this history, been long at variance. But so great was the reputation of Henry's wisdom and justice, that his relation with the king of Arragon was no objection to Sancho receiving him as the final judge of their differences. Accordingly, towards the close of the year 1176, a compromise had been entered into by both those princes, by which each pledged some castles, which were to remain as sureties for his standing to Henry's award in the differences between them. Petrus Blesensis, about the beginning of February this year, informed Henry, that the ambassadors of both princes were preparing to set out; and Henry, that he might receive them with the greater pomp and magnificence, immediately adjourned his parliament to Windsor. Soon after the ambassadors arrived; their trains were numerous, and they were guarded both by literary and warlike champions, not knowing whether the court of England might not chuse to refer the question to the success of single duel. Having laid before Henry their credentials, and the compromise entered upon by their principals, he, not chusing to take upon himself, alone, the determination of any matter of importance, summoned a full meeting of his parliament from all places of his dominions, to be held in Westminster-hall, on the first Sunday of Lent. The appearance was very august, and the assembly numerous. Henry himself presided; and after the advocates had given in their respective claims in Latin (their language being unknown to the parliament) Henry ordered the ambassadors on both sides to be solemnly sworn, That their masters should stand to his judgment, as well with regard to the terms as to the truce; and if they should not, that then the said ambassadors were to surrender their own persons into Henry's hands. Some days being spent in fully stating the facts, and examining evidences, the parliament at last gave judgment, which was exemplified by way of charter, under Henry's seal, and addressed to both kings, and was to the following effect:

"That he had considered, by the advice and council of his parliament, the allegations of both parties, and therefore it was decreed, That, since neither party

could contradict the allegations of the other, with regard to the castles and territories which each had seized, therefore Sancho king of Navarre should restore to the king of Castile all the castles which the former had seized during the minority of the latter; in like manner, that the latter should restore to the king of Navarre the three castles which he had taken by way of reprisal. Farther, That the king of Castile should pay to the king of Navarre three thousand morobitteens (a Spanish coin) for ten years; and that the truce should continue between them for seven years."

This instrument is signed by great numbers of the English nobility, gentry, and clergy; and contains a glorious proof how well Henry knew how to reign, by establishing his throne upon a constitutional foundation, in proceeding according to the advice, and by direction, of his parliament. This is all I have to observe with regard to this famous transaction, which was finished in eight days from the opening of the session.

Henry's next undertaking was well worthy so great a man, and a king. The Norman nobility, who had served abroad, had long practised great acts of insolence upon the persons of the English, especially the Londoners, whom they looked upon as a species of beings inferior to themselves. Great privileges, in those days, were annexed to the enjoyment of public offices in that city; and therefore the chief magistrates did not, as now, principally rise by commerce, but were engrafted upon her government, as nobility or eminence of rank entitled them. The sons and kinsmen of the principal magistrates, riotous through the power of their fathers and relations, had proceeded to acts of inhumanity, murder, and rapine, which were carried on chiefly by night. Henry had before endeavoured to check them, by hanging one of their most notorious ringleaders, though he offered five hundred merks for the ransom of his life, and gave in a list of his accomplices, many of whom were seized and brought to justice. A young nobleman, of the family of Ferrers, being now killed in a nocturnal encounter, the king applied himself anew to curb such extravagances, and proceeded with so wholesome a vigour, that the city in a great measure recovered her quiet.

The earl of Flanders, either from motives of business or religion, this year came to England, and about Easter had an interview with Henry at Canterbury, where he visited the tomb of the sainted Becket. Upon parting, Henry made the earl a present of five hundred merks, towards defraying his charges in an expedition the latter had undertaken into the Holy Land. Afterwards, having performed several amusing acts of devotion, Henry summoned the archbishop of York, and some of his northern nobility, in order to concert the means of securing the peace of the north, at a place called by our historians Gaitintun, thought to be Gaitoun in Cheshire.

The earl of Flanders comes to England.

Henry summons several councils,

their sentence.

[Rymer, vol. i. p. 45.]

A. D. 1177. *Cheshire.* There proper measures were concerted; and Henry, after receiving oaths of fealty from several Welsh princes, ordered a parliament to assemble at Windsor. A full meeting of all the states being here convened, the king commanded them, by their feudal subjection, to prepare to attend him with horse and arms, and to be ready to follow him whithersoever he should require their services. As nothing appears, upon the face of our history, that could give rise to so extraordinary a measure, I am apt to believe it was done with the double view of striking terror into his secret enemies in France, and of habituating his subjects to service in the field, from which, perhaps, he thought they had been too long exempted. At the same time he took proper precautions for the peace of the north, by making such alterations and removals, both in England and the cautionary forts of Scotland, as might most effectually secure them in his interest. In particular, William Stuteville was made governor of Roxburgh castle, and Roger Stuteville of Edinburgh; Roger archbishop of York had the castles of Scarborough, Norham, Durham, and Berwick, committed to his charge; and the other royal forts were disposed of to the best advantage.

displaces the northern governors of castles,

and makes his son John king of Ireland.

Henry next went to Oxford, where he nominated his son John, king of Ireland, in the same sense that the heads of the Irish confederacy had hitherto worn that title; for, by it, there was no necessity to suppose, that John held any lands or dominions in Ireland. The former kings of that title never acquired any possessions by it, their dominion being confined to their patrimonial territories; therefore John was entitled to wear this distinction, though without any property in the soil. Besides, Henry might have another view. His mother had been stiled lady of England, and he himself was lord of Ireland. The creation of so great a dignity, therefore, subordinate to a lord, gave a great relief to the character which his mother had assumed. But Henry, upon the death of Strongbow, had long meditated how to make the acquisition of this kingdom a solid advantage to his other territories.

Fitz-Stephens and Cogan rewarded.

For he now distributed the property of Ireland among those who were most likely to reduce it to a thorough subjection to his crown and family. Robert Fitz-Stephens and Miles Cogan were now rewarded according to their great merits in the first expedition into this country; for they had in property, for the service of sixty knights, all the kingdom of Cork, excepting the city of that name, and its adjoining hundred. Philip le Breuse had the kingdom of Limeric; and the earl of Chester had all his estate restored to him, excepting some dangerous forts which Henry kept in his own Hands, on condition of his going over and assisting in the intire reduction of that kingdom.

A marriage had been before this negotiated and agreed upon, between Richard, Henry's second son, and Alice, daughter to the king of France. The young lady had

been for some time in England; and the elder Henry, captivated with her beauty, as she was with his merit, entered into a correspondence with her, which, in time, was attended by the fruits of a criminal, and next to incestuous, conversation. The king of France grew uneasy at the frivolous pretext for delaying the consummation of the marriage, and, upon the first surmise of the amour, had engaged the pope on his side to interpose the spiritual thunder, should Henry any longer refuse to give up the young lady to his son's embraces. Perhaps Henry had not yet proceeded to actual guilt with that princess; but his passion for her was strongly suspected, and he sought to delay the match upon pretence that Lewis, her father, had not complied with the terms of the marriage, which implied that he should give with her in dowry certain territories. To put the better face upon the matter, he sent ambassadors to make the requisition; but it was refused by Lewis: and the pope's legate, in the mean time, threatened to fulminate an interdict against Henry and his kingdom, should the consummation of the marriage be longer deferred. But Henry, by advice of his clergy and council, appealed to the pope himself; and disappointment irritating the young lady's expecting passion, Henry, in that critical juncture, so fatal to woman's virtue, seems to have compleated his triumph over his own and her honour.

A. D. 1177. Amour between the elder Henry and Alice of France.

An accident at this time happened to Henry, by his receiving a contusion on the leg from the kick of a horse, which kept him for some time confined; but being conscious of the great provocation he had given to the king of France, and, in him, to the dignity of all crowned heads, he this year held a general rendezvous of all his English military tenants at Winchester, where they met him according to summons, well armed, and prepared to attend him to the continent, either from Portsmouth or Southampton, where transports lay to carry them over by Henry's orders. But his hurt, and the uncertainty of the answer he expected by the ambassadors he had sent to France, prevailed with him to delay his expedition till the beginning of July, at which time all his force attended him again at Winchester.

Henry summons together his military tenants.

Upon the French court's refusal to comply with Henry's demand, he now embarked with all his troops at Portsmouth, from whence he landed at Kapwic in Normandy. From thence he dispatched his son Geoffrey to keep the restless Britons in awe, and then he and his eldest son had an interview with the pope's legate at Roan. Soon after, Henry and the king of France held a conference at Yuric, at which the legate and many of the nobility on both sides assisted. Henry was pressed, under pain of the highest ecclesiastical censures, to suffer his son Richard to marry the princess Alice; and, unable either to refuse or comply, he promised to agree to the match, provided her father would give her in dowry the city of Bourges, with its appurtenances, and deliver up the French

His negotiations with the court of France.

A. D. 1177. French Veuxine to the younger Henry, husband to Margaret the other sister. Perhaps those demands had a foundation of right by some private agreement between Henry and Lewis; and the latter, not willing to grant them, dropped all farther insisting upon the marriage. This was a shameful and unnatural proceeding; and the more so, as we find, upon this occasion, both kings entering into a definitive alliance, without any provision being made for the unfortunate princess. The terms of the treaty were in substance, "1. That both kings should take "upon them the cross. 2. Mutually to assist one another. 3. To abolish all disputes "with one another, excepting in some trifling matters, which were referred to arbiters on both sides. 4. That, in case of "the decease of either party, the survivor "should have the whole command of the "expedition: 5. That, lest both should die, "proper persons should be named to command upon their demise. 6. That the "governors, who were to act during their "absence, on both sides, should be instructed to defend each other against all enemies. 7. That tradesmen, merchants, and "others, with their effects, should be free "of all molestation in the dominions of either party."

His convention with Lewis. [Gervase, Hoveden.]

His progress in France.

He buys the county of March.

History of Ireland continued.

This concord was calculated, by Henry, as the only way to keep the see of Rome quiet, and to prevent, during the rest of his life, any disturbance from France; for he never meant to take upon him the expedition to the Holy Land. Soon after, he summoned his troops to attend him at Argenton, and sent his son Richard to Poictou, as he had his son the king, some time before, to Berry, where his success was but indifferent. He next prosecuted several of his subjects in the Limousin, for the part they had taken in the late troubles between his sons and him; and, after composing some differences with the king of France, he went to Grammont. Here he bought the county of March from Andebert its earl, to whom he promised to pay fifteen thousand Anjovine pounds, twenty palfreys, and twenty mules. From thence he returned to Anjou, where he kept his Christmas.

This year the affairs of Ireland were as follow: Soon after Fitz-adelm had entered upon his government, Hugh de Lucy, an active English officer, was murdered by an Irishman, perhaps in revenge of Ororic's death. Philip de Breuse was introduced to his new government, the kingdom of Limeric, by Fitz-stephens and Cogan; but, upon their approach, the inhabitants set fire to their houses, which disgusted de Breuse so much, that he chose to return to Cork, rather than to reside with such barbarians. But Fitz-adelm's government, by this time, had grown despicable, both to the English and Irish. To avarice and oppression he joined sloth and inactivity, and there was great danger of a total revolt of all Ireland. Courcy, a brave and stirring officer, no longer able to bear such mismanagement, resolved to venture upon a bold measure, which was

to head the English forces without any commission from Fitz-adelm, and attack the kingdom of Ulster, hitherto untouched by their arms. Twenty-two choice knights, who disdained Fitz-adelm's indolence, and about three hundred men at arms, immediately put themselves under Courcy's command, and with this handful he attacked Downe, the capital of Ulster. This place was held by Dunleve, its petty chief, who, upon the approach of the English, fled; and Courcy entering the city, began to erect in it a small fort for his own defence. But this fort and the city being soon after attacked by Roderic and Dunleve, at the head of ten thousand Irish, he made a sally, and though he had not with him, in all, above seven hundred soldiers, he obliged the Irish to retire, after an obstinate and a bloody dispute. This officer, Courcy, after this, fought no less than four other battles, against prodigious superiority of numbers on the side of the Irish. The first was under the walls of Down, where he worsted fifteen thousand of the enemy. The second was in Ferns, where he was, at first, beaten; but he and his friend Armoric de St. Laurence rallying their men, fell upon the Irish, now secure with victory, and put them to the sword without resistance, scarcely two hundred of them escaping. The third battle of Courcy was in Uriel, where, having passed a river by the direction of a friar, he attacked six thousand Irish, and, after being in imminent danger of being himself cut off with all his men, beat the enemy. The last battle was at the bridge of Ivory, where the enemy again fled; and ever after were so discouraged in those parts, that Courcy had leisure to erect forts, and take other precautions for the safety of the English government.

A. D. 1178. Courcy's conquests.

[Hanmer, Cox.] His four battles,

and those of Cogan.

In the mean time, Miles Cogan passed the Shannon, and invaded Connaught with forty knights, two hundred horsemen, and three hundred archers. Advancing up the country, he found it laid waste, and abandoned by the inhabitants. Being therefore obliged to return for want of sustenance, he was attacked in his retreat by Roderic, who failed in his attempt, and Cogan and his men escaped to Dublin.

Fitz-adelm's conduct, by this time, was become too unsupportable to be longer endured, and Henry was prevailed upon to recall him. Another Hugh de Lucy was substituted in his room, and Robert Poer was made governor of Wexford and Waterford. Soon after, Vivian, the pope's legate, who had been for some time in Ireland, held a synod at Dublin, which was very serviceable to the English affairs, by thundering out its excommunications against all those who should swerve from the allegiance they had sworn.

Fitz-adelm recalled.

In the year 1178, Henry the elder obtained a passport from the king of France to return to England. He remained for some time, however, to see the event of his son Richard's arms, which were still employed in Poictou. This young prince had, with surprizing rapidity, again penetrated as

Richard's conquests in Poictou.

A. D. 1179. far as the borders of Spain, where he took a great many important places, some of which he dismantled, some he threw to the ground, and others he fortified. About the beginning of July, Henry the elder returned to England, where he knighted his son Geoffrey; the rest of that year being spent in civil regulations, which are either immaterial, or have not come to our hands, it is scarcely distinguished in our histories.

Henry knights his son Geoffrey.

The king of France visits Becket's tomb.

The younger Henry was in Normandy, and his brother Richard in Poitou, in the beginning of the year 1179; but the former, about Easter, returned to England. Lewis now thought of resigning his crown to his son Philip; but that young prince falling ill on the day appointed for his coronation, his father, contrary to the advice of his council, undertook a pilgrimage, for his recovery, to the shrine of St. Thomas Becket. Perhaps other motives besides those of mere devotion contributed to this journey. But be that as it will, he was very closely watched here by the elder Henry, who, out of seeming respect, scarcely ever left his person; and, after only four days stay on English ground, he returned to France, having been very generous to the monks of Canterbury, where he had most religiously performed his devotions. Henry the younger seems to have accompanied him back to France; for we find him, as duke of Normandy, assisting at the feast of All Saints at Rheims, in the coronation of young Philip, now perfectly re-established in his health.

Henry's civil regulations.

While Lewis was settling his succession, Henry the elder was regulating his government. As he had, for some time, made it a rule to be directed by the advice of his parliament, he felt the good effects of this conduct in the prosperous condition both of his own revenue, and the circumstances of his people. For England was at this time in perfect tranquility; the people were well affected to their government, because that government was by law. Henry saw that the troubles of his predecessors had been occasioned by a contrary conduct; and was soon sensible, that a king of England, who is directed by his people in the constitutional acts of government, can ask nothing for the advancement of his glory and power which they will not grant. Richard de Lucy had been long his first minister; but a minister who was distinguished not by his power, but by his authority; not by the affections of his master, but by the veneration of the people; not by pre-eminence in dignity, but painfulness in office. He had always had the courage to remonstrate severely, when Henry aimed at any arbitrary act of government; and Henry had ever had the virtue to continue the minister, however his pride or passion might have been disgusted with the man. He found the effects of his salutary counsels, and that the easiest and surest method to preserve his own power was, to secure the people's rights. But de Lucy now was stooping under the weight of years and cares, and therefore chose to retire, as a canon regular, to an abbey at Lewes, of

his own founding. Henry, upon his resignation, held a great council of his states at Windsor, where he made a new partition of the judges circuits all over England, dividing the whole into four parts, and assigning to each proper judges, as follow:

Justices.

I.

Shires.

Richard bishop of Winchester,
Richard the king's treasurer,
Nicholas Fitz-torold,
Thomas Basslet,
Robert Whitefield.

Hampshire,
Wiltshire,
Glocestershire,
Dorsetshire,
Somersetshire,
Devonshire,
Cornwall,
Berkshire,
Oxfordshire.

The new division of England.

II.

Geoffrey bishop of Ely,
Nicholas the king's chaplain,
Gilbert Pipard,
Reginald de Wichbach, the king's clerk,
Geoffrey Hosee.

Cambridgeshire,
Huntingdonshire,
Northamptonshire,
Leicestershire,
Warwickshire,
Worcestershire,
Herefordshire,
Staffordshire,
Shropshire.

III.

John bishop of Norwich,
Hugh Murdac, the king's clerk,
Michael Belet,
Richard del Pec,
Ranulph Brito.

Norfolk,
Suffolk,
Essex,
Hertfordshire,
Middlesex,
Kent,
Surrey,
Suffex,
Buckinghamshire,
Bedfordshire.

IV.

Godfrey de Lucy,
John Cummin,
Hugh de Gaerst,
Ranulph de Glanville,
William de Bendings,
Allen de Furnellis.

Nottinghamshire,
Derbyshire,
Yorkshire,
Northumberland,
Westmoreland,
Cumberland,
Lancaster.

The last six were taken out of the king's court, where they lately had been justices, and had the northern counties assigned to their jurisdiction, probably because of the extent and difficulty of the business attending that district. As to the alteration of the divisions, none of our authors have assigned any reason.

Lewis king of France being now upon his death-bed, his anointed son Philip, afterwards surnamed Augustus, took upon him the government. As this prince had good sense and spirit, far beyond what his father had ever possessed, he set out upon a different plan of government, and made Philip earl of Flanders his first minister. This earl, having no issue of his own, gave one of his nieces to Philip, and settled upon her a large portion of his dominions: but being

Character of Richard de Lucy.

History of the court of France at Philip's accession.

A. D. 1180. ing of an arbitrary, haughty temper, he prevailed with the young prince to turn his own mother and her family out of the administration. The younger Henry was then at the court of France, and not at all satisfied with the revolution of that ministry. The queen dowager and her relations applied to him, and he undertook to bring his father to head their party. For this purpose he went over to England; and the elder Henry relished the proposal so well, that he and his son gave the queen of France and her brothers, earl Theobald and earl Stephen, a meeting in Normandy, before Easter, in the year 1180. This conduct of the English princes must have proceeded entirely from jealousy, or a desire of embroiling the French court, and was by no means justifiable. Lewis was, as a king, their independent superior; and the affairs of his court never could come under their cognizance. But Henry knew that the sword is law to princes, and put himself at the head of the faction against Philip; in which a great many French nobility, besides those I have named, joined, under pretence of oppression from the new administration. The elder Henry immediately raised an army; but was opposed, before he made any progress, by Philip. Henry, being thus disappointed, consented to a conference between Gisors and Trie; where he had the address to detach the earl of Flanders from the chief administration of affairs, and to make up matters between Philip, his mother, and her family. At this conference, Henry renewed his convention with the earl of Flanders; and that nobleman, upon being paid one thousand marks yearly, did Henry homage, and engaged to furnish him with five hundred knights, whenever required, for forty days. Hoveden, and from him all our authors, have referred the peace which was signed by the two kings, to September following; but it appears from the date of it, as published by Mr. Rymer, that it was made about the end of June, and during the life of old Lewis, who died on the 18th of September following. Neither can the terms mentioned in Henry's letters to Glanville, and extant in a treatise of Giraldus in the Cotton library, be referred, as Mr. Tyrrel does, to this interview, but to one posterior. The articles agreed upon between the two kings were, in effect, no other (excepting the engagement which had been entered into, of taking the cross) than had been before agreed upon by Lewis and Henry.

Henry raises an army against him;

but they are reconciled.

Mistakes of our historians.

Revolution in the French ministry.

court of Normandy, Henry, without vindicating his conduct, now interceded for his pardon; and being joined by the pope and the king of France, prevailed with the emperor to remit four years of the seven, which had been pronounced as the term of his exile.

Henry next provided for the due administration of justice in England, by appointing Ranulph de Glanville, who had been so useful an assistant to Richard de Lucy, both in war and peace, to be chief justiciary of all England. This celebrated lawyer adhered strictly to the laws of Edward the Confessor, collected in the time of the Conqueror, and which the reader has already seen. To this great man likewise is attributed that ancient treatise upon the laws and customs of England, so celebrated among our lawyers; but with what foundation we shall enquire when we treat of the laws and constitutions of this long reign. In the mean time, it must be owned that the English government never made so noble a figure as it did now; the courts of justice began to proceed by forms favourable to the subject, without being inconvenient for the government, and too strong for power itself to break through. The public money, which had been greatly adulterated, was now re-coined; and the laws strictly put in execution against all falsifiers or debauchers of the current species, which was put under the inspection of Philip Aymari, a native of Tours.

Account of Glanville, now high justiciary of England.

Henry the elder, about the beginning of the year 1181, being to leave France for England, published a regulation, prescribing the form and quality of arms, which all his French subjects were to wear, according to their several degrees. This wise measure was copied by the king of France and the earl of Flanders. While Henry lay at Bar-le-Duc, waiting for a fair wind, he was applied to by Philip to mediate between him and that earl, with regard to some differences that had happened. Henry undertook that office, and in a conference at Gisors made them friends. Towards the end of August he landed in England, attended by the king of the Scots, whom he had summoned to meet him in Normandy, to settle some ecclesiastical matters which soon after drew an excommunication upon all the Scots dominions.

Henry brings about an accommodation between the king of France and the earl of Flanders.

Henry, upon his return into England, published what is called an assize concerning arms, which contains the substance of the military policy of that time, and is of itself so curious and important an article, that I cannot avoid giving the reader the pleasure of perusing it in his own language.

His proclamation about his subjects wearing arms.

I. Whosoever hath a knight's fee, shall have a coat of mail, an helmet, a shield, and a lance; and every knight shall have so many coats of mail, helmets, shields, and lances, as he hath knights fees.

[Hoveden, Brady.]

II. Every free layman, that hath in goods or rents to the value of sixteen merks, shall have a coat of mail, an helmet, a shield, and a lance.

III. Every

A. D. 1181.

III. Every free layman, that hath in goods ten merks, shall have an iron gorget, an iron cap, and a lance.

IV. All burgeses (that is, inhabitants or freemen of boroughs) and the whole community of freemen, shall have a wambois (that is, a coat twilted with wooll, tow, or such other materials) a cap of iron, and a lance.

And every one shall swear, that before the feast of St. Hilary he will have these arms, and will be faithful to king Henry, the son of Maud the empress; and that he will keep these arms for his service, according to his command, for the defence of the king and kingdom; and no man, when he hath these arms, shall sell, pawn, lend, or any way put them out of his custody; neither shall his lord any way take them from his man or vassal, neither by forfeiture, gift, pawn, or security for any thing, nor any other way. When the possessor of these arms dieth, they shall remain to his heir; and if his heir be not of such age as he can use arms, his guardian shall have the custody of his arms, as well as of his body, and shall find a man to use them in the service of the king, while the heir is of sufficient age. If any burges hath more arms than he ought to have by this assize, he may sell or give them to any man that will use them in the king's service; and no man may have or keep by him more arms than he ought to have by this assize. Also no Jew may have a coat of mail, or a jerkin of mail, in his custody; but may sell, or give, or so part with it, that it may be for the service of the king. Also no man shall carry arms out of the kingdom, unless by the king's command; nor sell arms to any man that shall carry them out of England; neither merchant, or other person, shall carry them out of England. And the justices shall swear as many knights, or other freemen, and legal men in the hundreds and boroughs in every county, as they think fit, whether they have goods to such a value, as they ought to have a coat of mail, a helmet, a shield, and a lance; and that they shall distinctly name all those in their hundreds, and neighbourhoods, or boroughs, that have sixteen merks in goods or rents. And the justices shall cause the jurors, and all others, to be written in a roll, and the value of their goods or rents; and then they shall cause this assize to be read before such as are to find arms, and cause them to swear, they will provide arms according to the value of their goods and rents, and the direction of this assize; and that they will keep them for the defence of king Henry, son to Maud the empress, and his kingdom, according to his command. And if it happens that any one, that is to find arms, be not in the county when the justices are there, they are to appoint him a time to appear before them in another county; and if he come not to them in any county through which they pass, let him come to Westminster eight days after Michaelmas, and then take the oath, as he loves himself and all that he hath; and let him be commanded, that he have such

arms as he ought, before the feast of St. Hilary aforesaid.

Also the justices shall cause to be published in all counties through which they go, that all may take notice, that the king will not punish such as make default in their lands or goods, but in their limbs or members; none shall be upon the jury, but such as are worth sixteen or ten merks.

Also the justices shall command, in all counties through which they pass, that no man, as he loves himself and all that he hath, do buy or sell any ship to be sent out of England; nor that he carry, or cause to be carried, any timber out of England. And the king commands, that none be received to the oath of arms but a freeman.

Those excellent regulations discover many important particulars of the English military oeconomy in those days, and shew us in general, that Henry was sensible of this great truth, that the proportion of property which each subject enjoyed should be the direction to a government, as to that proportion both of trust and expence which he ought to have in the service and defence of his country. We likewise discover here the great jealousy of Henry's government against employing the shipping or wood of England in foreign parts; a plain proof that, even in his reign, the English were sensible of the prodigious advantages they had in naval affairs, by their commodities and situation, over their neighbours. As to making those regulations by edict or proclamation, and not by act of parliament, we are to observe, that nothing is enjoined by them, but what was before virtually implied by both the Saxon and the feudal law; and all done here is, to prescribe the manner in which the king and kingdom was most likely to be well served; and to avoid the many inconveniencies they had experienced, by not following particular instructions in those points.

Hugh de Lucy continued to govern Ireland with great prudence. His chief care was to secure the English, and to encourage the Irish, that his master might not reign over a depopulated waste, and a barbarous people, who, though subdued, never could be tamed; or subjected, though conquered. But suspicion and jealousy soon arose of his designs, and his great merit served only to feed them. What contributed to this was, his marrying, without leave from the court of England, the daughter of Roderic king of Connaught. He was therefore obliged to give way to the envy raised against him; and, upon his being recalled, he was succeeded by John the constable of Chester, and Richard del Pec. Those governors found their charge very easy, through the excellent precautions taken by their predecessor, who built a great many castles, and furnished them with garrisons all over the kingdom. But their abilities were far inferior to those of their predecessor; and Henry being soon convinced of de Lucy's merit and innocence, quickly restored him to his government; but put along with him into the com-

A. D. 1181.

Reflections upon the same.

History of Ireland continued.

Hugh de Lucy displaced.

A. D. 1182. commission a clerk, one Robert de Shrewsbury, who was to act as his coadjutor and counsellor.

Death of pope Alexander and the archbishop of York.

The year 1181 was distinguished farther by the death of two great priests. The first was pope Alexander III, who was indulged in a reign of no less than two and twenty years, and in a measure of prosperity seldom known to mortals: for, besides his triumph over Henry of England, he brought the haughty emperor Frederic Barbarossa to the lowest degree of humiliation. The other was Roger archbishop of York, who died so immensely rich, that Henry thought proper to seize his treasures, under pretence that his will was made upon his death-bed.

Young king Henry again disgusted.

The younger Henry was, with his queen, at the court of France in the beginning of the year 1182, where jealousies and uneasiness at their father's conduct broke out afresh; yet, by Henry the elder's concessions, they were for some time allayed, and the young prince took a farther oath of duty to his father. But this he kept no longer than the court of France found means to regain his ear. About this time the emperor gave Henry a signal proof of regard, by suffering his daughter, the duchess of Saxony, to enjoy her jointure even in her husband's lifetime. This duke of Saxony was one of the greatest princes in Europe; but his power raised the jealousy of the neighbouring princes to such a degree, that they sought every pretext to strip him of his dominions, to which he never was entirely restored. He was put in possession, however, of that part of his territories which now form the electoral and ducal dominions of the illustrious house of Hanover, which is, by Matilda the daughter of Henry, lineally descended from the greatest of all English monarchs, and the most powerful of Saxon princes.

History of the rebellion of Henry's sons.

The ambition and filial disrespect of Henry's sons grew with their years. The most intractable of them all was Richard; and the elder Henry sought how to divide him from his brethren, by giving them all different appennages, well knowing that, separately, they were not formidable. Henry the younger had entered into concert with the noblemen of Aquitain, who were in arms against Richard's government; for Richard had seized upon the castle of Clervalle, part of the younger Henry's patrimonial estate of Anjou. The elder Henry, while he was in England, made his testament, by which, among other pious donations, he assigned a large sum of money to the religious houses at Jerusalem; but made no mention of the settlement of his dominions. This he designed should take place in his own life-time. With this view he went over to France towards the end of the year 1182, where he kept his Christmas with great splendor at Caen, attended by his sons, the younger Henry, Richard, and Geoffrey; his daughter, the duchess of Saxony, and her husband. He was no stranger to the variance between his two elder sons, and took this opportunity of either composing all differences, or of reducing the re-

fractory to their duty. He first ordered his son Geoffrey to do homage, in terms of the former dukes of Brittany, to his elder brother, as duke of Normandy, for that duchy. This was, without any difficulty, performed. In the subsequent part of this transaction, our originals are very obscure; but because not contradictory, it is possible, with some attention, to state the true facts.

Henry the elder ordered Richard, at the same time, to pay homage to his elder brother, for the duchy of Aquitain; but the latter, without refusing at first to accept of the homage, told his father, that though he did accept of it, he should not think himself absolved from his engagements with the barons of Aquitain, who were in arms against the oppressions of his brother, whom, as his superior, he had a right to chastise. This incensed the haughty spirit of Richard to the highest degree; and he broke out into very passionate expressions, which farther exasperated the father. Richard, upon this, retired from court, and put himself in a posture of defence. The elder Henry then ordered his two sons to advance with an army against Richard; and the younger Henry entered into a correspondence with the commander of the strong castle of Limoges. A strict confederacy was next begun, between Geoffrey, the barons of Aquitain, and the younger Henry, which was to be kept a profound secret from their father till their affairs were ripe for action. Thus was this unhappy family divided into three parties, that of the old king, that of Richard, and that of his elder and third son; the two latter only agreeing in the unnatural part they now meditated against their king and father. For Henry the son, and his brother Geoffrey, being by far too strong for Richard, compelled him to throw himself into his father's arms, to whom he delivered up the disputed castle of Clervalle. The elder Henry, upon this, not suspecting the duty of his other two sons, summoned them all to meet at Mirabel, that a general reconciliation might pass on all hands. The princes obeyed; but the younger Henry still insisting for satisfaction to the barons of Aquitain, whom he could not in honour give up, without procuring them previous terms, and who otherwise refused to be parties at the agreement; Geoffrey was sent by his father to engage, that they should have all imaginable justice done them.

A. D. 1182.

Hoveden, Diceto.

The cause of the barons of Aquitain espoused by young king Henry.

Geoffrey, finding that his concert now came to a crisis, could dissemble no longer. He openly espoused the cause of the dissatisfied barons, and took into his pay a body of mercenary Brabasons, the same who had been so much exasperated with his father. The younger Henry, knowing how dangerous it would be for him now to continue about his father's court, sought leave to have an interview with his brother, whom he pretended he could bring to reason; and the elder Henry, unwilling or unable to hinder his departure, consented. But no sooner was he gone, than Geoffrey and he entered the castle of Limoges, and shutting the gates, declared

Conduct of Geoffrey and his brother Henry.

Rymer.

A. D. 1182.

declared against their father. Henry, not crediting the report of such unnaturality, went, in a peaceable manner, attended by his son Richard, and summoned the castle; but he was convinced of his mistake by a shower of arrows, several of which narrowly missed his heart, while many of them fell upon his coat of mail.

Character of
the latter.

I am apt to believe, that the heart of the younger Henry was good in the main, however perverted by evil counsels. His judgment was indeed weak, therefore passions commanded reason; but as those passions were of the tender kind, pity, prompted by nature, soon brought him to his duty. He again and again threw himself at his father's feet; as often was he pardoned. But the sense of the deep engagements he had entered into with the barons, together with the inflexibility of his father in every thing that touched his power and prerogative, as often made him swerve from his promises. The truth is, neither of those princes are to be vindicated. Henry the elder still kept in his own hands the castle of Clervalle; and still continued deaf to all terms with the barons, but that they should surrender at discretion. These terms the younger Henry brought down to a promise of pardon, upon their delivering hostages. But the barons demanded redress, not pardon; they held

out for right, and not for mercy. They disdained the terms; they killed the messengers sent to receive the hostages; and they called upon the younger Henry to fulfil his solemn engagements. The latter, irresolute, and ashamed at his weakness in so often changing sides, at first vowed to take upon him the cross, notwithstanding all the remonstrances of his father, who really tenderly loved him, and at last agreed to his resolution; but the shame of abandoning his party again got the better of the young prince, and he again revolted from his duty. Geoffrey, in the mean time, behaved with great dissimulation. While his brother continued firm to his engagements, he refused to hearken to any terms; but afterwards, on pretence of a conference with his brother, he got leave from his father to go into Limoges, where he stripped a shrine of its riches, with which he paid his soldiers. But the elder Henry continuing still faithfully attached to his own interest as a king, suffered many pangs as a father; the two characters, in his then situation, being incompatible. The younger Henry, in the

His death.

Tho'

(1) In the mean time, Richard archbishop of Canterbury, with several bishops of England and Normandy, came to Caen, and there, in the public audience of all the people, pronounced sentence of excommunication against all those who any ways hindered the peace between the king and his sons; but excepted the person of the young king, who now wanting money, went to the church of St. Mary of the Rock, and there stripped the shrine of St. Adamator of its gold cover, and carried away all the treasures of that church; but some days after, when he found he was not able to do his father any great hurt, being at the castle of Martel near Limoges, he fell sick out of pure spight and indignation, first of a fever, and then a bloody-flux, which never left him till he died. When he perceived himself past all hopes, he sent to desire the king his father to come to him, that so he might beg his pardon for his great undutifulness; but he being dissuaded, by those about him, from going thither, because of the wicked men that were near his son's person, he only sent him his blessing, together with his ring, in token of his pardon; which having received, he called to him the bishops and other religious men that were by, and first in private, and then in public, confessed his great sin in rebelling against so indulgent a father; and then, after absolution, putting on sackcloth, and causing a rope to be tied about his neck, with very penitent expressions, he entreated the bishops and other religious men there present, to pull him out of the bed to a couch or pallet hard by, which he had ordered to be made of ashes; and being laid down thereon, and having received the Eucharist, he expired. When his servants had embalmed his body, and wrapped it in bull-hides, they put it in a leaden coffin, and buried his brain and bowels at Castle-Martel, where he died; then they carried the corps towards the city of Rouen, to be there interred, according to his last will. But while they, by the way, rested at the city of Mans, and placed the corps in the cathedral church of St. Julian, and would have the next morning removed it, the bishops, clergy, and people of that city, would not suffer it to go; but, to shew their great affection to the deceased prince, there honourably buried it. But when the people of Rouen heard of it, they were very much incensed, and threatened that, unless the body was speedily delivered to them, they would come and take it away by force; of which when the king was informed, he commanded the corps to be taken up again, and delivered to the people of Rouen, to be there buried, according to his son's last will; which was accordingly done, and the body again buried in the church of St. Mary. Tyrrel.

I shall now give the character of this young prince, as I find it excellently drawn by an anonymous author, who seems to have lived in the reign of Charles I, and is said to have been of the noble family of Howard. As the piece is very scarce, and wrote with very great elegance, I shall give the whole of it. The title is, The single and comparative Characters of Henry the son, and Richard.—Let it not seem unfit, says that writer, if the reader thereby may be informed or delighted, to deliver the characters of these two princes, the eldest sons of king Henry II, who bore so great and stirring parts in the history of their father's reign. They were princes of greatest eminence in those times, and upon whom the eyes of Christendom were most set; a large stage they had to act upon, and early occasions to discover their worth. They were both tall of stature, beyond the ordinary height of man; of comely visage, and majestic presence. For courage and magnanimity, they were thought equal; and both admired for royal virtue, though of a nature different. Henry was beloved for his sweetness, Richard honoured for his gravity; Henry was affable and wonderful liberal, Richard severe and full of constancy; Henry was addicted to martial sports and pastimes, Richard more inclined to war itself; one was courtly, the other serious; one beloved for mercy, the other feared for justice; the one a refuge, the other a terror, to all offenders. Two princes, brothers of so great worth, and yet so diverse, have seldom been observed; yet well might they spring from one root, their father Henry, in the mixture of his nature, was known to contain both their different characters, and judged to have a mind (as one speaks of Augustus Cæsar) full of variety. How much the sweetness and lovely carriage of young king Henry had won upon the world, let one observation, which some of his own time thought like a miracle, teach us to judge: How strange was it, that a young prince, rising in arms against his father, possessed neither of lands nor treasure, much less of a good or just cause, was followed almost by all the neighbouring world, against a king of so large a territory, and so full of treasure, that, in this great defection from him, he was able almost, with mercenary soldiers, to vindicate his right against all those potent enemies! This young prince had gained to his side, not only his brothers Richard and Geoffrey, and most of the great nobility of England, but the kings of France and Scotland, the earl of Flanders, and many other great foreign princes. So many rich gifts of mind and body were heaped on this young Henry, faith a writer of his time, that nature, as it were, envying what she had bestowed, foiled it again with one stain, the vice of ingratitude and disobedience to so good a father; which sin of his was thought the cause that plucked down divine vengeance, and untimely cut off that flourishing youth, which was judged worthy (if God had prolonged it) to have ruled a greater empire. The severity and industrious courage of Richard, the second son, let this declare: The earldom of Poitou, and the duchy of Aquitaine, which were the inheritance of his mother Eleanor, were committed to his government while he was very young; yet, in that tender age, so manly were his virtues, so awful was the hand which he carried over the rebellious and stubborn subjects of those countries, that he soon reduced them to a more quiet state, and settled obedience, than any of their former princes had ever done.

As

A.D. 1185.

Tho' the elder Henry appeared inconsolable for his son, yet he pressed the siege of the castle of Limoges so vigorously, that it was at last surrendered; and the other places, held by the disaffected, followed its fate. Geoffrey, upon this, was forced to submit; and Henry seemed, by his perseverance and activity, once more to have faction at his feet. Soon after he had an interview with the king of France, who demanded back the dowry of his sister, wife to the deceased Henry, which was the French Veuxine, and its dependencies. But Henry, not chusing to part with territory, gave her an equivalent in money, amounting to about three thousand pounds yearly. We likewise find, that Henry, in this or another conference held this year, did homage, for the first time, to Philip, for all his transmarine dominions.

Those transactions, the particulars of which are foreign to a general history of England, detained Henry in France till towards June, 1184. By this time Philip of Worcester had superseded John of Chester, and Richard Pec, in the lieutenancy of Ireland, and had re-annexed a great deal of land to the royal demesnes. John, Henry's youngest son, was daily expected in that country, with a fresh supply of money and troops; but Henry's affairs were so embroiled on the continent, that Philip was obliged to subsist upon the contributions he raised in the country, and particularly from the clergy of Armagh.

After Henry's return to England, the agreement between him and his sons was ratified in the presence of their mother Eleanor, who had all this time continued a prisoner of state. Henry then set out to chastise the insolence of the Welsh, who had committed many outrages during his frequent absences in Normandy; but being advanced to Worcester, Rees, prince of South Wales, made his submissions.

All this time Henry's personal engagements to go to the Holy Land seemed to be forgotten or neglected. He was again in great credit abroad, and the duke and duchess of Saxony were this year reconciled to the archbishop of Cologne, who, with the earl of Flanders, came to England, and were magnificently entertained by Henry. The pope had been instrumental in bringing about this event; and, about the beginning of the year 1185, Henry received a letter, by Heraclius, patriarch of Jerusalem,

with the great masters of the knights templars and hospitallers, who came as ambassadors from Baldwin king of Jerusalem, not only to invite him to take the cross; but the diadem of that unprofitable kingdom. The pretext for this was Henry's being descended from Fulk of Anjou, formerly king of Jerusalem. Henry, who never in earnest designed to undertake that expedition, gave them a plausible answer, till he should learn the sense of his kingdom. A parliament was held at Clerkenwell, where he laid before them the business of their meeting; insinuating, at the same time, that, by his coronation oath, he was obliged, in the first place, to protect his kingdom. This insinuation meeting with the affections of his noblemen, who were against the expedition, the voice of the meeting went strongly against the king's undertaking the expedition in person. Henry, having gained this great point, did all he could to make the disappointment easy to the pope. He offered a profusion of money; he gave leave to all his subjects who pleased to undertake the expedition; and he highly caressed the ambassadors. But the patriarch, not satisfied with this, went over in great wrath to France, whither he was followed by Henry in person.

For Richard being now heir apparent to the crown of England, the duchy of Normandy, and the earldom of Anjou, was required, by his father, to resign Poitou to his mother Eleanor, who being now reconciled with Henry, was to have that territory as a separate aliment. Richard, haughty by his late successes, and some advantages he had gained over his Brother Geoffrey, refused, at first, to agree to the cession; but finding his father resolute, he at last complied.

Notwithstanding Henry's refusing to go in person to the Holy Land, pope Lucius was not so far exasperated against him, as not to comply this year with his request, in consenting that his son John should be actually crowned king of Ireland; a title which he had for some time borne. But the pope attended this grant with a crown made of peacock's feathers, interwrought with gold, with which the ceremony was to be performed. Henry, secretly disliking this mark of dependence upon the holy see, without discovering any resentment, put off the coronation, and for-

A.D. 1185.

Henry solicited to go to the Holy Land;

[Dieton, Brompton.]

which he declines.

He reduces Richard.

John never crowned king of Ireland.

As he was stout in the action of war, so was he constant and unwearied in pursuing his fortune, and making the full use of any success, according to that mark that Lucan gives of Julius Cæsar:

Nil credens actum, cum quid superesset agendum.

He was so severe in punishing their offences, that he began (so great a resemblance sometimes has vice with virtue) to be taxed with cruelty, till the wiser sort had fully considered the quality of his actions, and the necessity of such proceedings. How prevalent he was in the managing of wars (to omit those great and high exploits which he afterwards achieved when he was king of England) by this one sad observation we may somewhat judge: After the untimely deaths of his two brothers, Henry and Geoffrey, when he only, of the sons, was left at man's estate, and unnaturally warred against his father, assisted only by Philip king of France, he more prevailed than his brother Henry, with a far greater confederacy, had been able to do in the foregoing wars. Henry the son had many and great princes, as before we shewed, that sided with him; and yet so victorious an end did old king Henry make of that business, that he saw his greatest and most glorious times after the conclusion of that war: but when Richard revolted from him, assisted only by Philip of France, the father was enforced to suffer more, and stoop lower, than any imagined that a prince, of so great a spirit and power, could ever have been brought into; by which finally his heart was broken, and a period set to all his worldly glory. Richard in that was more unhappy than his brother Henry, that his unnatural wars were able to give so deep and incurable a wound to his father's heart, and lent him no time at all to obtain his pardon, as Henry had done; nor could the father live to be a witness of Richard's sorrow and true repentance, as he had been of the other's; which, notwithstanding, was many ways, after the death of old king Henry, testified by Richard; and last of all, when himself was dying, he commanded his servants to bury him at Fontevraud, and lay him a-cross at his father's feet, to whom his disloyalty and unnatural revolt (as he with grief acknowledged) had been so great a cross.

A. D. 1186. bore to name his son king of Ireland in any authentic deeds, since we find the designation of the latter upon the great seal of Ireland was no more than *Johannes filius regis Angliæ, domini Hiberniæ*; i. e. John, son of the king of England, lord of Ireland. But he now resolved to put that young prince at the head of affairs there. He first knighted him, and then, about Easter, sent him over, attended by four hundred knights, or men of arms, most of them Normans, a great body of infantry, and some civil officers, among whom was the historian Giraldus Cambrensis. But the levity of the Normans, and the inexperience of John, disgusted the Irish to such a degree, that they were upon the point of forming a fresh confederacy against the English, when Henry, apprehending the consequences, recalled his son. Thus this prince, after lavishly dissipating the money, which had been furnished him to support his rank, and losing many soldiers in skirmishes with the Irish, resigned his command in nine months after its commencement. He was succeeded by the brave de Courcy, who quieted the natives, and brought the English again into the direction of affairs; nor can the discernment of Henry be sufficiently admired, in thus taking from a favourite son, who never had offended him, a command of so great distinction, as soon as he found him unfit to discharge it.

He is called from that government.

Henry continued in Normandy from the end of March to the beginning of the next year. He restored to the king of the Scots, who had during all his difficulties continued quiet, the great earldom of Huntingdon, now vacant by the death of Simon St. Lys, and then entered upon a conference with Philip king of France. The business of the interview was, to adjust the affair so long depending between the French princess Alice, and Richard. That prince's dignity was greatly increased since the decease of his elder brother; and Henry now insisted upon greater terms with the young princess than he had done hitherto, in hopes that they would be refused by Philip. But he was disappointed; for in this conference, which was held at Gisors, Philip offered to renounce for ever all claim to the territories which had gone to Henry's family with Margaret, wife to his eldest son; and, at the same time, to give up to Henry's possession the long-disputed important castle of Gisors. But Henry could not be tempted, even by this shining offer, to resign the lady, or to commit a crime, even, if possible, more detestable than that he had already perpetrated; for he shamefully went to England, without declaring any fixed resolution: his pretence was, to quell some commotions in Galloway, now an appennage of the English crown. To give the better colour to this, he raised an army, and actually set out for Scotland. But when he came to Carlisle, Roland the prince of Galloway, against whom his preparations were designed, came and made his submission. Soon after he restored to William king of the Scots the castle of

Henry returns to England.

Edinburgh, with other considerable advantages, as a dowry with Ermengarda, daughter to the earl of Beaumont, who was descended of the first Henry. But scarcely was this transaction over, when Henry received accounts of the death of his son Geoffrey earl of Brittany, at Paris: some say, by being flung from his horse at a tilting; and others, by a violent fever. This prince is represented by the historians of the times, as being void of all honour or duty.

A. D. 1187.

Death of his son Geoffrey.

Upon his death, the king of France, as superior of Normandy, claimed the guardianship of his surviving daughter Margaret; but this claim was disputed by Henry, as Brittany had ever been a fief of Normandy. This dispute was upon the point of being decided by a bloody war, when Geoffrey's widow was brought to-bed of a posthumous son, who was christened Arthur; upon which, though some say before, Philip granted Henry a truce for some months. Henry was still in England; and the war, before the expiration of the truce, was ready to break out between him and Philip, upon new disgusts. Henry, upon this, went over to Normandy, and had another interview, though without effect, with Philip, who was now higher than ever in his demands, and was thoroughly exasperated at the treatment of his sister Alice. At last, hostilities commenced; Gisors was besieged; the sons of Henry, Richard and John, were shut up in the castle of Raoul, but relieved by their father; and every thing was preparing for a general battle, when, by the interposition of the pope's legate, a truce was agreed upon for two years.

The king of France seems to have had the upper-hand in this negotiation, as Ison-dun and other contested places were left in his possession.

But this peace appears to have been deceitful on the part of Philip; for he made use of it to debauch Richard from his duty as a son and a subject. Henry dreaded this, and several times endeavoured to detach Richard from his intimacy with Philip. Instead of that, Richard remained at the court of France, and found means to seize upon some of his father's treasures. This probably was done by the connivance and assistance of the king of France, who, to confirm Richard in his rebellious intentions, shared with him in all the familiarities of life. Richard made use of the treasures he had seized to fortify his castles of Poictou. Having within him, however, some remains of natural duty, he again came and did homage to his father; and after that, without his consent, took upon him the cross.

Richard won over by Philip.

Though Richard's behaviour was impious, yet that of the father was detestable. The son indeed ought to have left him to heaven for his punishment; but heaven, in displeasure to both, corrected Henry with the keenest of all rods, a proud, disobedient, yet injured son. For Henry, still continuing his criminal conversation with Alice, Richard's betrothed spouse, at once gratified his lust and his power, as he held in his own hands

her

A. D. 1188. her possessions, which by marriage would have gone to Richard. This, as it well might, incensed the king of France beyond all patience; for, towards the latter-end of the year 1187, he raised a great army, and made a formal demand from Henry of the places he held on the presumption of Alice's marriage with his son Richard, or that the marriage should be immediately consummated. Though Henry continued either to evade or to refuse this demand, yet Philip did not think himself in a condition to force him to compliance while Henry remained in France; but the latter's affairs calling him over to England in the beginning of the year 1188, Richard actually began hostilities.

Philip again takes the field.

The crusading recommences.

During those transactions, accounts came, both to France and England, that the Christians had been totally defeated in the Holy Land; which, in that age of religious madness, struck every body, both king and subjects, with consternation. The pope and the clergy now exhorted all princes to lay aside their private quarrels, and to labour in the common cause of recovering the Holy Land from the infidels. Philip of France, and prince Richard, heartily believed in this doctrine, and it became master of their brains. Though Henry privately despised it, yet he wisely made use of it on this occasion for breaking the storm with which he was threatened from Philip and his son, and for putting a large sum in his own pocket for strengthening his interest nearer home. He accordingly closed in with the exhortations of the clergy, and agreed to an interview with the king of France between Gisors and Trie, on the 21st of January, 1188; where each prince was to be attended with his peers, both spiritual and temporal. Here the ruling passion of errant religion swallowed up all other resentments, and it was agreed, between Philip, Henry, and the earl of Flanders, that they should all take the cross. A convention was then entered into between the two first-named princes, for establishing a land-tax towards the expence of this important expedition. This convention was approved by the whole council, and is as follows:

Convention between Henry and Philip to go to the Holy war.

The terms. Brady, Tyrrel, Gervase, Hoveden.

I. Every one, as well clerk as laic, that is not worth above one hundred shillings, for every house he hath, where there is a constant fire kept, shall pay two-pence, for three years, every year.

II. If he have more than one hundred shillings in moveables, of every pound in all the king of France's dominions, he shall pay two-pence of province-money; and in the dominions of the king of England, on that side the sea, two-pence of Anjou mo-

ney; and in England, one shilling sterling for the same term.

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III. He that hath one hundred pounds in lands or rents, as above, shall pay yearly twenty shillings.

IV. He that hath less than one hundred pounds in rents, of every twenty pounds shall give four shillings, and of every forty pounds, eight shillings. Those that have moveables beyond one hundred shillings, shall swear, that of every twenty shillings they will faithfully give two-pence.

V. Very little to the purpose.

VI. The tenth is due for the defence of the land of Jerusalem, from Midsummer, 1184, for ten years, saving the right of the lords and of the churches.

Out of this estimation are excepted, in clerks, the treasure and ornaments of their churches, their books, horses, vessels, vestments, gems, and utensils which are necessary for their daily use; and in knights or soldiers, their horses, arms, vessels, and cloaths for their common use.

For the collecting of this alms, there shall be appointed in every bishopric two brothers, one of the temple, another of the hospital; and in every parish they two, and the priest of the town, shall collect and keep the alms.

Henry, having by this convention secured his dominions on the continent, immediately returned to England, where he laid it before a parliament at Gayton, about eight or ten miles from Northampton. But some additional ordinances were made in this assembly to those made at the interview in France; particularly it was ordained, That all clerks, knights, and 'squires, who undertook the expedition, should have, during its continuance, the tythes of their own lands, and those of their tenants. They likewise passed several necessary sumptuary laws, against dice-playing, expensive apparel, swearing, and different courses at table. So that, upon the main, though the French articles were generally confirmed here, yet this was an entire new transaction, and they are reduced into a quite different form (1), the tax being enlarged: from which I am inclined to believe, that Henry did not think that the proportion laid on by the French articles was sufficient for the purposes he had in view.

A parliament at Gayton confirms and enlarges them.

No sooner were those matters settled, than Henry exacted the contributions with the utmost severity. He sent his publicans through all the kingdom; and for a more immediate supply, he picked out two hundred of the richest citizens in London, and one hundred in York, and from other cities in proportion. He then ordered the goods and moveables of

Henry's great exactions.

(1) The three first articles are, Every clerk, or layman, that shall take upon him the cross, shall be freed and absolved from all his sins, of which he hath been confessed, and hath repented by the authority of God, the blessed apostles, Peter, and Paul, and the pope.

It is ordained, by the kings, the archbishops, bishops, and other princes and chief men, that all those, as well clerks as laics, who shall not undertake this expedition, shall give the tenth of all their rents for one year; and of all their goods, as well in gold as silver; and in all other things, except books, cloaths, vestments of clerks, ornaments of their churches or chapels, precious stones, as well of clerks as laics; and except the horses, and arms, and cloaths of knights belonging to their proper use.

It is also to be noted, that all clerks, knights, and esquires, who shall undertake this expedition, or crusado, shall have the tenth of their own lands, and the tenths of their own men and tenants, and shall give nothing for themselves.

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those persons to be valued, and forced each to pay a tenth, committing the refractory to immediate prison. The sums he raised by those methods are incredible. Gervase of Canterbury mentions seventy thousand pounds paid by the Christians at one payment, and sixty thousand by the Jews, in England; which, according to the present value of money, amounts to very near two millions. But this was only one payment; for we are told, that they whose proportions came to two merks or upwards, were allowed to delay their payment till after Easter; at which time they were required to be at London, that the king might confer with them in private.

The Poictou-
vines take
arms against
Richard.

About two or three months after this transaction, almost all Poictou rose up in arms against Richard, upon a very frivolous occasion. The chief of the confederacy was Geoffrey of Lusignan, who probably was privately supported by Henry, and made so vigorous a resistance, that Richard summoning all his strength, entered his country, and that of the earl of Tholouse, who was a party of the confederacy, with fire and sword. The earls immediately applied to the king of France for protection. Philip, who had so lately entered into what he thought sacred engagements with Henry, not chusing to break with him, sent into England to know whether Richard had acted with Henry's knowledge, or by his command. The old man disclaimed both. Upon this, Philip entered the county of Berry, which he over-run, taking a great many of its principal places, with some castles, which, as Henry pretended, belonged to his own demesnes, particularly Chateraureux, Buce-mais, Argenton, and Leoroux. He then burnt Mount Richard, and took several places in Avergne. Henry, alarmed at those proceedings, which went much farther than he originally intended, immediately passed over into Normandy, and put himself at the head of a numerous army. For some time a sharp war was carried on. It was now the common cause of Henry and his son Richard, to check the progress of the French arms. The former, therefore, advanced against Mante, where Philip then was; and the other fell into that part of Berry which belonged to the crown of France, both of them burning and ravaging the country as they went along. Philip, who a little before had insisted upon the English prince's delivering up all Berry and the French Veuxine, now agreed to an interview, to be held, as most of the former ones between the kings of England and France were, under a fair spreading elm between Gisors and Trie. The

War between
Henry and
Philip.

A conference
between them;

conference proving ineffectual, Philip, in a rage, caused the tree to be cut down, swearing, that no more interviews should be held there for the future. The confederate earls, by this time, seeing that the two kings only pursued their own advantage, without any regard to theirs, wisely declined having any further concern with either. Upon this, Philip again attempted a reconciliation with Henry; but, in the mean time, secretly brought over Richard to his party. The pretexts he used with this young prince were plausible, and to any, but a son, would have been justifiable reasons. He represented the wrong which Henry had done him, in detaining from his arms his bride, with all her fortune; and suggested, that Henry's not putting him in the same rank as heir-apparent to the crown of England, and the duchy of Normandy, which former elder sons of that family had possessed, was owing to a secret intention he had of setting him aside from the succession, in favour of John his younger brother. Richard, on this occasion, behaved with a caution uncommon to his impetuous spirit. As the original of the differences between his father and the king of France regarded him, he offered to justify his conduct in Philip's court; nor do we find that he entered into any absolute engagements with Philip, until another essay was made upon his father, whether he would do him justice as to his marriage-contract, and his right of primogeniture. Philip, who was no stranger to Henry's inflexibility in both these points, fairly put it upon that footing; and on the 19th of October they had another conference between Bon Molines and Suleinni. Here Philip, in presence of Richard, offered to restore all things to the same condition they were in before the late rupture, provided the princess Alice was immediately given in marriage to Richard, and he declared heir-apparent of Henry's dominions, by receiving the homage and fealty of his subjects. This was flatly refused by Henry; upon which, according to Hoveden (the best authority we have for these transactions) Richard, in a great passion, (confirmed no doubt in the truth of Philip's suggestions) without the knowledge or consent of his father, swore fealty and homage to the king of France. Gervase of Canterbury, who agrees in the main with Hoveden, says, that seeing his father, without giving any reason, refuse to comply with Philip's demands, he cried out in a rage, "Well, what appears now probable, seemed to me before incredible." Diceto, an author of inferior credit to either of these, relates this interview with some addition (1).

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but ineffectual.

The fair offers
of Philip,

rejected by
Henry.

Richard does
homage to
Philip.

(1) Diceto gives us another account of this matter. At this interview, when the king of France proposed to restore those places he had taken since their engaging in the crusado, and that all things should remain in the same state as they were before that time, the king of England made answer, That he thought it more reasonable to have a firm peace made and established by the advice of their bishops and barons, than to protract so dangerous a controversy any longer. Which fair proposal was opposed by earl Richard, his son, under this pretence, that if this condition was agreed to, it would prove disadvantageous to himself; for then he must give up Cahors, and all that country, with many other parts of his dominions, which were worth above a thousand merks a year, merely for the fee of castle Raoul, and the castles of Issoudun and Craslay, which were not his own demesnes neither, but only held of king Philip. Whereupon the earl passed off to another matter, desiring of his father, by the mouth of the king of France, that the lady Alice might be given him to wife; and also that he would settle his kingdom upon him, as being his right heir; which the king imprudently refused, saying, If ever he did this, it should be done voluntarily, and not by compulsion. Upon this, his son left him, and went over to the king of France. Yet this author says, he did homage to that king for those territories, saving the fealty he owed to his father, and reserving to him the interest he had in them so long as he lived.

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A truce agreed on.

Gervase.

The Bretons revolt.

Philip's sharp answer to the legate.

His great progress.

Notwithstanding this great provocation to Henry, who now plainly saw the engagements into which Richard had entered with Philip, yet he was obliged to agree to a truce until the middle of January following. The reason of this was, that all the French nobility, whether exasperated by Henry's oppressions, or favouring Richard, whom they now looked upon as injured of his right, all joined either openly or secretly with the latter. "Henry, says Gervase, every day lost some thousand merks of his ill-got treasure, besides forfeiting the affections of his ex-hausted earls and barons." Thus Henry found himself, in his old age, abandoned, not only of his friends and subjects, but of that virtue and innocence which had supported him in his youth. In vain he procured his son to be anathematized by the pope, as a disturber of the peace; for the latter, being under the protection of the king of France, was safe. At last, the Bretons entirely revolted from Henry, and obtained, from Philip and Richard, written engagements, that they should not lay down their arms without including them into whatever treaty they made. Henry, in all this calamity, again had recourse to the pope, who sent the cardinal of Anagnina, as his legate, to compose the differences between the two kings. Another conference was held, where the king of France repeated his former demands, which were again refused by Henry, who offered to give Alice to his son John. But as this proposition was never sincerely meant to be performed by Henry, and as it was in itself unreasonable as well as wicked, it was rejected by Philip. The legate, however, who had been bribed by Henry, threatened to excommunicate the king of France. But Philip told him, with great spirit, That he valued not his excommunication, and that it did not become the court of Rome to pronounce an excommunication against the king of France, only for keeping his subjects and vassals in their duty; reproaching him, at the same time, with having smelt Henry's sterlings.

The conference thus breaking up, without any other effect than that of rendering the two kings greater enemies, if possible, than they had been before, Philip took Ferte, Bernard, Montfort, Beaumont, with a great many other places of strength. He then advanced into Maine, and made a feint as if he had been going to Tours; but turning short, he attacked the city of Mans, which was abandoned by Henry, who, upon this occasion, with his fortune, seems to have lost all his spirit; for, though the city was very well provided, he durst not stand a siege, and ordered Simon de Tours to set fire to the suburbs. The flames soon caught the city, and reduced it to ashes. While things were in this confusion, Philip defeated a party which had been posted by Henry to guard the bridge, or to break it down, and forced his way along with the fugitives into the city itself. This heightened the panic which had before seized Henry and his army, who, without having time to

recover, were instantly charged by the French; and the king, to finish his dishonour, fled precipitately, at the head of seven hundred horse, leaving his infantry to be cut in pieces by the enemy. Some battalions of Welsh, who generously made a stand, suffered most upon this occasion, and the French had the killing of the others for three miles in the pursuit. Henry himself narrowly escaped falling into the hands of the French; but being better mounted than his pursuers, he passed a ford, through which they not venturing to follow him, he reached, with a few, the castle of Chinon. As the design of the French was to seize the royal person, they had neglected following those who fell off from Henry's retinue during the pursuit. These returning, threw themselves into the castle of Mans, which still held out. In the mean time, Henry fortified himself in the castle of Chinon, where he had a considerable treasure. But it is probable he found the effects of his mistaken policy, in disbanding and disobliging the Brabanders. He had not known, for some time, where to apply for mercenaries. The late defeat at Mans had lost him the flower of his army, Normandy in general had declared for Richard, and he had England alone to trust to. He therefore sent over Ralph de Glanville, who had attended him to Normandy, to raise all the militia in England, be they, says Gervase, ever so extenuated or poor. But Henry's late oppressions had alienated the affections of his English subjects. They had seen their money severely collected for purposes ridiculous, and lavishly expended in measures uninteresting to them as a people; they had bled profusely for foreign interests; and therefore Glanville's success was but very indifferent. So true it is, that one unpopular, oppressive step in government, too often cancels the merits of a whole reign of beneficence.

Henry's genius was now checked under that of Philip and Richard; for those two princes returning to Mans, soon made themselves masters of the castle, as they had before of the city. The other castles of Maine, in a short time, fell likewise into their hands.

They next marched into Tourain, and, by the help of a great drought, which had brought the river Loir very low, they took the city of Tours. This was followed by the reduction of all that country; so that Philip and Richard were now masters of all Tourain and Maine; while Henry, after fortifying Chinon, had retired to Saumur. It is probable his person might have fallen into their hands, had not the neutral princes, who were feudatories to the crown of France, thought it high time to interpose. For the earl of Flanders, the duke of Burgundy, and the archbishop of Rheims now applied to Henry, and, after making him sensible of the desperate situation of his affairs, brought him to consent to an accommodation. The place appointed for the treaty lay between Tours and Arasie. Several pretensions and claims were here to be settled. Henry had undertaken the crusade.

The

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Philip routs Henry's army.

Gervase.

Henry's difficulties to raise recruits in England.

Philip takes Mans,

and Tours;

An accommodation set on foot.

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The disappointment of his fulfilling this engagement had irritated the court of Rome to a high degree, and was perhaps one main source of his calamities. But he was now too old, and too dispirited, to undertake such an expedition. As the performance of this was an article of Christian faith with Philip and Richard, both of them young men, and hunters after military glory, it was therefore resolved, that Richard should, in person, perform the vows of his father. The other articles of this treaty were all of them left to the arbitration of the king of France, who, considering the provocations he had received, acted on this occasion with a good deal of moderation. Our modern historians have pretended to give us this treaty; but as they have, in some particulars, entirely mistaken the sense of it, and in others, omitted matters of the greatest importance, I think it my duty to give a new translation of the original treaty, which I believe never before appeared in English.

Conditions of peace between Henry king of England and Philip king of France.

The terms
thereof.
[Hoveden.]

" This convention is between the afore-
" said king of France, and king of England,
" and Richard earl of Poictou, with their
" archbishops, bishops, earls and barons, at
" the feast of the apostles Peter and Paul,
" at a congress between Tours and Arasie,
" where the king of England entirely puts
" himself under the conduct, and upon the
" will of the said king of France; that is
" to say, the king of England did then re-
" peat his homage to the king of France,
" because, in the beginning of the late war,
" the king of England had defied the king
" of France, and the king of France had
" refused the king of England's homage.
" It was then likewise stipulated by the
" king of France, that his sister Alice, whom
" the king of England had in custody,
" should be delivered to the keeping of
" one of five persons, whom earl Richard
" should chuse. The king of France next
" stipulates, that he shall have an oath of
" performance on the part of the king of
" England's subjects, for the delivery of his
" said sister to earl Richard, upon his re-
" turn from the Holy Land. And farther,
" that earl Richard shall receive the ho-
" mages of his father's subjects, both in
" England, and upon the continent; and
" that no baron, or knight, who in this
" war had left the king of England, and
" come over to earl Richard, shall return
" to the king of England before he is with-
" in a month of his departure for Jerusa-
" lem, which will be about the middle of
" Lent. At which time the aforesaid kings,
" and Richard earl of Poictou, shall be at
" Vezeley; and all the burghers of the king
" of England's own towns shall be free
" throughout all the kingdom of France,
" according to former customs, nor be im-
" pleaded in any matter but in felony. The
" king of England is to pay to the king of
" France twenty thousand merks of silver,

" and all the barons of England are to swear,
" that if their king should refuse to observe
" those terms, that they will observe them
" with the king of France and earl Richard,
" and, to the utmost of their power, as-
" sist them against the king of England.
" And the king of France and earl Richard
" shall keep in their hands the cities of Maine
" and Tours, with the castles of Ligdi and
" Trou; or, according to the king of Eng-
" land's option, the king of France and earl
" Richard shall hold the castle of Gisors, and
" the castle of Pacey, until the performance
" of the above articles, according to the dis-
" position of the king of France."

It appears that Hoveden, or his transcribers, have set down these articles from the minutes which were drawn up at the meeting; for the paper he has published proceeds to tell us, that though the day was very serene, a violent clap of thunder happened while the kings were conferring, and that the lightning fell between them, but without doing them any harm. Henry, in this fallen state of his fortune, trembled at the omen. Another and more dreadful clap happened upon their renewing the conference; and so dejected was Henry's spirit, that he had dropped from his horse, had he not been supported by his attendants. He now gave up all farther concerns with royalty; he called for the paper to sign whatever should be imposed, and only asked for the poor satisfaction to see the names of those who had abandoned him, and gone over to his son and to Philip. But how was he struck, when he saw the name of his beloved son John at the head of their list! He fought no more; he returned, in all the anguish of a forsaken father, and a reduced monarch, to Chinon. He cursed the day on which he was born; he laid his own irrevocable malediction, and prayed for that of God, upon his sons; and, after taking the sacrament, he expired before the altar, in all the bitterness of grief, after reigning thirty-four years, seven months, and four days, and in the fifty-seventh year of his age.

No sooner was the breath out of the royal body, than it was treated with the like indecency with that of his great-grandfather the Conqueror, but with aggravating circumstances: for his servants, after rifling his wardrobe and treasures, stripped the body naked, till one of the pages, less brutal than the rest, threw over it a short mantle. At last, some noblemen, reflecting on this scandalous desertion as being dishonourable to themselves, conveyed it to the nunnery of Fonteverard in a magnificent manner, where it was buried; and where afterwards, together with the body of queen Eleanor, his son Richard and his queen, it was honoured by a noble monument, erected by a natural daughter of Henry IV. king of France.

Henry II. was a man of letters, perhaps more than his grandfather Henry I. He had therefore an advantage, which none of his predecessors knew, of having more able historians

Strange acci-
dents at the
meeting.

Henry dies
with grief.

His body
treated inde-
cently.

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His personal character.

Peter of Blois, archdeacon of Bath, in a letter of his addressed to the bishop of Palermo, and which I think has escaped the notice of all our English historians, excepting Trivet, has been very express in the description of his personal character when he mounted the throne. Some particulars may be very properly mentioned here. His stature, says that writer very elegantly, was so justly middling, that he neither appeared tall among the short, nor short among the tall. His head was spherical, and excellently well adapted to the figure of his body. His eyes, while he was pleased, were dove-like; but, when angry, sparkling and furious. His hair was bushy; but a fashion coming in, in his time, of shaving the head and temples, his forehead appeared spreading and square. His nose was rising and graceful, and gave great sweetness to his look. If I understand my author, Henry's legs seemed to be a little bandy, his chest very full, his arms strong, his hands large and coarse, he never wearing a glove but when he had a hawk upon his fist.

See Spelman's Glossary, ad verb. dieta.

As to his oeconomy and behaviour, he was a punctual observer of devotion, and always attended the public councils and transactions of his kingdom. He was so addicted to exercises on horseback, that the flesh of his legs and shins was quite raw and livid with the kicks and falls of horses; yet he seldom sat down but when at meals, or on horseback. If business called him, he could have crowded four or five ordinary days journies into one. He wore strait, smooth boots, plain hats, and close-bodied cloaths. He was passionately fond of hunting, whereby he kept down that corpulence to which he was naturally inclined. Even when he was past the years of youth, he retained its activity in all bodily exercises. Than him none was more discerning in council, more fluent in speaking, more unconcerned in danger, more cautious in prosperity, or (till his last scene) more resolute in adversity; while his affections, either of love or hatred, were generally unfurmountable. He was, according to the same author, who was one of the best judges of the age, the most learned prince in Europe. His palace was a kind of an academy, and his table was a school, where the most abstruse points of government and learning were debated: for Henry used to steal all the time he could from business and diversion, and give it to reading. His reading, however, was not of that wordy, useless kind, which forms a pedant; to letters he joined erudition, to erudition knowledge; this knowledge he improved, not by books, but by conversation of men, and experience in life. The common topics, therefore, of his conversation among his ministers, who

A. D. 1189. were all of them men of learning, was upon the interests of his people, and the best way of improving the civil polity of the kingdom. In this he had the advantage of the great Conqueror, who only knew how to make himself great, while Henry knew how to reconcile his own greatness to the happiness of his people.

Henry's failings.

But the rich ore of Henry's genius had much alloy. His fondness for power, and his passion for women, were equally fertile of calamities to his reign and person; yet both were, in some measure, owing to accidental causes. He was bred under the eye of a haughty mother, and that of a proud, peevish father; it was therefore next to a miracle that Henry knew so well as he did how to suit himself to every emergency, in every character in life. But he stepped from childhood into manhood; he knew no interval between the two states. His early possession of power made it become so habitual, that it was inseparable from his nature, as his nature was from his being. Hence that perpetual conflict within his breast, between the king and the father. Hence those unintermitting fluctuations, wherein tenderness and ambition, jealousy and indulgence, by turns had the better, till all the perturbation was settled by his love of dominion, that unextinguishable spark, which ever controlled his affections, and directed his conduct. Nor must it be forgotten, that his sons themselves were of dispositions little favouring quiet in subordinate authority. They tasted of power when their years were but green, and their constitutions ever after retained the favour. In short, whatever we have said on this head as to the father, is equally applicable to the sons; with this difference, that they, by being starved in their inclinations, became craving and furious; while he, by being gratified, grew more close and retentive. Thus, of all lusts, that for dominion is alone insatiable. Laying, therefore, some part of the blame of his conduct on the characters of his sons themselves, let us now survey him as an unfaithful husband, and a dishonest lover.

He was married, in the opening of his youth, to a prying, knowing, experienced wife. She took him, perhaps, rather for pleasure than grandeur; perhaps for both. She fondly thought, that being mistress of his early affections, would fix them hers for ever. Her pride, her high quality, her conscious merit heightened by overweening conceit, could not suffer her to doubt of this. But Henry's complexion was no more suited to constancy in love, than his spirit was to dependency in empire. The autumnal charms of Eleanor ill suited a vigorous young prince, in the spring of life; and pretexts of frequent absence veiled his infidelity. A woman of less fire than Eleanor, finding Henry's affections strayed, might have fixed his esteem, and have retained the friend, though she had lost the lover. But disappointment raised within her all that storm of passions, which injured women, under such circumstances, feel; and Henry, who had never been the

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object of her virgin affections, became now that of her conjugal hatred, and fixed aversion. She is, therefore, justly described, by our historians, as the *Alecto*, whose snakes infused the venom of disloyalty and unnaturality into the breasts of her husband's subjects and children. Suitable were the effects on Henry's side. Ambition, which had thrown him into her arms, made him take from her her liberty. He gave a loose to his inclinations and lust, and, at last, neglected that decency he had before observed. We are told, by our historians, that he shut up his fair *Rosamond* within a *Dadalæan* labyrinth at *Woodstock*, to conceal her, during his absence in *Normandy*, from other admirers; but that love, on this occasion, proved less penetrating than jealousy; and that *Eleanor's* revenge reached the heart, which was inaccessible to every thing besides. But the stain of his reign was his conduct towards *Alice*, the French princess. This young lady was deprived at once of her honour and her liberty, and was so young when she came into Henry's hands, that it is possible she never knew how to set a value upon either; if so, she was happy only in ignorance. But as the painter shewed, more fully than his touches could, the depth of distress, by drawing a veil over a face in which it was to be expressed, so the blackness of this action in Henry is best painted by silence. If crimes can be expiated by sufferings here, Henry felt the most pointed stings both of guilt and anguish. Having viewed him as a man, let us now consider him as a king.

Henry's political character.

Historians, who write of favourite princes, generally throw into one group all the good qualities, both personal, political, religious, and military, they can pick up, either from observation or reading, and this they call a character. We have many of those faultless monsters among our English kings. The greatness of Henry II. has dazzled the eyes of modern writers, and they are blind to every thing but his power, his ambition, and the popular acts of his government. The accounts, however, we have of his reign leave us no room to doubt that Henry had as arbitrary principles, and would have governed in as despotic a manner, as any prince of his family had ever done, if the spirit of the English would have suffered him. One thing indeed was peculiar in his government, which was that his dominions in Britain, and those on the continent, were almost equal in value. The fortunate seizure of *William* king of the Scots, with the acts of submission and

homage he entered into, secured him from all domestic troubles in England. But it was not so with regard to his dominions on the continent. There he had powerful rivals, who improved the discontents of his sons and subjects, and were too strong for him to check. This occasioned his observing a very different conduct towards both people; in proportion as his French subjects were mutinous and rebellious, the English were relieved and encouraged. Henry soon found the advantage of this conduct, and what, at first, was matter of necessity, became, at last, choice. He had seen, or heard, that, in the four preceding reigns, those periods alone were prosperous and easy to the government, in which the rights of the people were best consulted. His own experience confirmed this observation; nor could he have been able to maintain his ground against the intrigues of his wife, the rebellion of his sons, and the efforts of the French court, had it not been for the support of England, reconciled to his government by his acts in favour of public liberty. Add to this, that the odious distinction between Normans and Englishmen was, by this time, so much extinguished, that the author of the dialogue concerning the exchequer, who undoubtedly was cotemporary with Henry, tells us, the intermarriages between the two people were so frequent, that scarcely any difference between the two people was then known; and therefore the inquisition upon the murder of an Englishman became to be the same as that upon a Frenchman, and the hundred was equally punished for either (1). But we are farther to consider the prodigious disadvantage the English of those days lay under, with regard to us; since all the accounts we have of them are from Normans, or normanized English, who considered Henry chiefly in the light of being a French prince. But one fact never can be stifled, which is, that the English, notwithstanding the prodigious torrent of foreigners, which broke in upon them by their having no constitutional act, excluding them from civil, military, or ecclesiastical offices, not only kept sight of their liberties, but improved them; and not only recovered their most valuable laws, but drove the French language itself from all usages of life, except in proceedings, where Norman judges presided, and Norman laws were too deeply ingrafted to be rooted out. In short, the progeny of those who came over with the Conqueror were as true Englishmen as the Anglo Saxons

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(1) Porro murdrum proprie dicatur mors, alicujus occulta, cujus interfecto igno-
 absconditum vel occultum. In primitivo itaque regni statu post conquestionem, qui relictis fuerant de Anglicis subjectis in
 suspectam et exosam sibi Normannorum gentem latenter ponebant insidias, et passim ipsos in nemoribus et locis remotis, nacta
 opportunitate, clanculo jugulabant: in quorum ultione cum reges et eorum ministri per aliquot annos exquisitis tormentorum
 generibus in Anglicos deservirent, nec tamen sic omnino desisterent, in hoc tandem devolutum est consilium, ut centuriata
 quam hundredum dicunt, in qua sic interfectus Normannus inveniebatur, quia quod mortis ejus minister non extabat, nec
 per fugam, quis esset, patebat, in summam grandem argenti examinati, fisco condemnaretur, quædam scilicet in xxxvi. quæ-
 dam in xlv. secundum locorum diversitatem, et interfectionis frequentiam; quod ideo factum dicunt, ut scilicet pæna gene-
 raliter inflicta prætereuntium indemnitate procuraret, et festinaret quisque tantum punire delictum, vel offerre iudicio per
 quem tam enormis jactura totam lædebat viciniam. Ab horum, ut prædiximus, solutione sedentes ad tabulam liberos no-
 veras. Nunquid pro murthero debet imputari clandestina mors Anglici, sicut Normanni? A prima institutione non debet,
 sicut audisti, sed jam cohabitantibus Anglicis et Normannis, et alterutrum uxores ducentibus vel nubentibus, sic permixtæ
 sunt nationes, ut vix discerni possit hodie, de liberis loquor, quis Anglicus quis Normannus sit genere; exceptis duntaxat
 ascriptitiis qui villani dicuntur; quibus non est obstantibus dominis suis a sui status conditione discedere. Ea propter pene
 quicumque sic hodie occisus reperitur, ut murdrum punitur exceptis his quibus certa sunt ut diximus servilis conditionis
 indicia. Dialogus de Scaccario.

A. D. 1189. themselves; and as warm in defence of English liberty. Thus it was not owing to Henry's beneficence and grace, but to his good sense and circumstances, that English freedom, under him, again reared its head.

But what I have observed, with regard to the two people of France and England, is, in some measure, applicable to the two states, civil and ecclesiastical. Henry's being embroiled with the latter, headed by a pope of great parts, and greater power, and directed by a prelate of great penetration and spirit, forced him, in a great measure, to throw himself upon the civil power; by strengthening that, he humbled the other; till, in the end, he found no safety but in the protection of his people. Hence proceeded the famous constitutions of Clarendon and Northampton; but I have, in the body of this history, been so full upon this subject, that I shall drop it here. We shall now survey the state in which he left the laws and liberties of England.

Account of the common law.

If Henry II. himself was not the author, he certainly was the immediate inspector and reviser of that excellent system of common law which has come to our hands, with this peculiar circumstance, that he endeavoured to temper it with the civil law, and, for this purpose, gave great encouragement to civilians. But notwithstanding his efforts,

and those of his two sons, who laboured in the same way, it was found impracticable entirely to reconcile them. He had much better success in introducing many Norman customs with the laws of England, which were, under him, first brought into regular order. The encomium passed upon him, by a judicious writer, Nicholas Bacon, on this account, is worthy to be transcribed here: "Henry II. was the first Mæcenas, since the conquest, that brought on the spring-time of a settled commonweal; and therefore left this fair testimony, by putting forth the primrose of English laws, under the name of Glanville, letting all men know, that England would thenceforth no more veil itself in an unknown law; but explain itself to the world to be a regular government." The treatise here hinted at, is that famous book, entitled, *Tractatus de legibus et consuetudinibus regni Angliæ, tempore regis Henrici secundi compositus, justitiæ gubernacula tenenti illustri viro Ranulpho de Glanvilla, juris regni et antiquarum consuetudinum eo tempore peritissimo. Et illas solum leges continet et consuetudines, secundum quas placitatur in curia regis, ad scaccarium, et coram justiciis, ubicunque fuerint.* This treatise is divided into fourteen books, for which the reader may consult the notes (1).

But

(1) The book that now carries his name, says bishop Nicholson, was first published by the persuasion and the procurement of Sir William Stanford, and has since had several editions. In all these it has kept the same title, which runs thus: *Tractatus de legibus et consuetudinibus regni Angliæ tempore regis Henrici secundi compositus, justitia gubernacula tenente illustri viro Ranulpho de Granvilla, juris regni et antiquarum consuetudinum eo tempore peritissimo.* Et illas solum leges continet et consuetudines, secundum quas placitatur in curia regis ad scaccarium et coram justiciis, ubicunque fuerint. From these last words some have concluded, that the court of Exchequer did anciently take cognizance of all manner of common pleas; whereas a little pointing of the words will make these three distinct courts; 1. In curia regis; 2. Ad scaccarium; 3. Coram justiciis ubicunque fuerint. It has also been concluded from this title, that the first publishers, or copiers of the book, looked upon it rather as penned in the time of that judge, than by himself; which may possibly appear, likewise, from what I shall hereafter advance in treating of the Regiam Majestatem of Scotland. For the present we are to suppose him to be the author; and I shall only observe, that whoever compares this book with that ancient repository of the common law of our neighbouring kingdom, must conclude, that there is no such hideous distance between our law and theirs, as the lord chief justice Coke and attorney-general Bacon, in the beginning of king James I's reign, represented the matter; but that, if the secret reasons of these gentlemen, against making them one, had not been stronger than those they published, Britannia might have easily and readily had as good a body of law as either Anglia or Scotia. The whole work is divided into fourteen books; treating of, 1. Pleas and essoins in the court of King's-bench; 2. Trials by combat, and the grand assize; 3. Warrantry; 4. Advowson of churches; 5. Naturalization and freedom; 6. Dowry; 7. Bastardy and wardship; 8. Fines; 9. Homage, with other services, and purprestures, or encroachments; 10. Debts and contracts; 11. Attorneys; 12. Writs of right and prohibition; 13. Recognizances and disseisins; 14. Pleas of the crown. In all which we have forms of such writs as were then, and are mostly still, in use upon all the several occasions there treated on. When Mr. Selden wrote his titles of honour, he questioned whether this book was rightly fathered; for, having occasion to cite a passage out of it, he does it with an expression full of diffidence as to its authority, "as the words are in the books attributed to Glanville." And surely, whether he be the true or only reputed author, may be still a query with us; since it was so to him, who could want no light that was any where to be had in this matter. I know, says he, elsewhere the authority of that treatise is suspected; and some of the best and ancientest copies have the name of E. de N. (which I have heard, from diligent searchers in this kind of learning, affirmed to have been sometimes E. de Narbrough, and not R. de Glanville) it has been thought to be another's work, and also of later time. But as, on the one side, I dare not be confident that it is Glanville's, so I make little question that it is as ancient as his time, if not his work. The tests of the precedents of writs under his name, the language (especially the name of justicia) always for that which we now, from ancient time, call justiciarius; and justicia was so used in writers under Henry II, and the law delivered in it tastes not of any later age.

Some affirm, that the Regiam Majestatem was written in the reign of king David I, called St. David, who reigned from the year 1124 to 1153. Others say, it was written some time after, and was for the most part borrowed from Glanville; and others will have it to be composed in the reign of king David II, the son and successor of king Robert the Bruce, who began to reign in the year 1130; and our author brings it down to the days of our James I. Glanville is said to have been composed about the year 1188, in the reign of king Henry II. of England; and some think it was written in the reign of king Henry III, who began to reign in the year 1216. Others think, that Glanville is only a borrowed name, and that the book was truly composed by king Henry II. of England; but none pretend that it was written sooner than in one or other of these two reigns. Whence it clearly follows, that if it can be made appear that our Regiam Majestatem was composed in the reign of king David I, then, without all peradventure, it turns the scale, and is the original, and Glanville is the only copy. Our learned countrymen, Skene and Craig, differ in this point. Skene is of opinion, that the Regiam Majestatem was collected in the reign of king David I, and so before Glanville. Craig thinks these books are no part of our law, but taken from Glanville, and wrongously imposed upon us, whose authority would doubtless be of great weight, if he and Skene had had alike opportunities of being informed in this matter. But it may be presumed, that Skene had more and better occasions to know this affair; for he was a person of great learning, was well versed in antiquity, and was by his merit (the best title to a public office) advanced to be clerk-register; whereby he had the use and custody of the records, and was employed to publish the regiam majestatem both in Latin and English. He, by his frequent quotations of Glanville, and of the statutes of England, shews himself to have been conversant in the laws of that kingdom; whereas Craig wrote his learned treatise of Feus some years, and deceased one year, before Skene published the Regiam Majestatem, with the arguments of its antiquity; yea, Craig's opinion in his own time was over-ruled by an act of parliament in 1607, among the unprinted acts, and to be seen in our records; wherein the Regiam Majestatem is declared to be our old laws, and the people are appointed to be ruled, governed, and judged by them. There is also an act to the same purpose among the unprinted acts of parliament, 1633. It is very frequent among learned men to differ in some points, and our learned neighbours have various sentiments about their Glanville; but still reason and proof is to take place. The opinion of Skene, that the Regiam Majestatem was composed in the reign of our king David I, is very

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Disquisition
about the
Scotch Re-
giam Majesta-
tem.

But the affinity there is between this work of Glanville, and the Digest of Scotch laws, under the title of *Regiam Majestatem*, so called from the two first words of the book, has been the source of many disputes between the antiquaries and lawyers of both countries; nor do the heads of either party agree among themselves. That Glanville's book is no older than the reign of Henry II, is universally admitted; but whether the *Regiam Majestatem* was composed under David I. of Scotland, the great champion of queen Matilda's party, or by David II, has been matter of dispute among the Scotch lawyers themselves. If by the former, it is undoubtedly prior to Glanville; if by the latter, a strong presumption arises that the Scots had their laws from England, he being cotemporary with Edward III. of England. Mr. (commonly called Sir) Thomas Craig is of the latter opinion; but Skene, a much greater authority, and a more accurate writer in the Scotch law, with fuller opportunities of information, maintains the former opinion. This learned knight, who possessed an eminent office in the Scotch government under James I, published by warrant from that prince, the *Regiam Majestatem*. And there are acts of parliament as ancient as the time of James I. of Scotland, who was cotemporary with Henry V. of England, which mention the *Regiam Majestatem* as the common law of the kingdom; which seems to destroy Craig's opinion, that the *Regiam Majestatem* is an engraftment and an imposition upon the law of Scotland. To conclude, the reader will find, by the excerpts I have given in the notes, strong reasons for believing, that the *Regiam Majestatem* is of greater antiquity than Glanville's book. But I cannot imagine that this can be any manner of argument, why the Scots should pretend that the common law of England was taken from them; since it is evident, that the civil law and

the feudal customs, which were long prior to either, have been the patterns of both. It may not be amiss here to set down the words of Sir John Skene, the accurate editor of the Scotch Digest, while he accounts for those laws being wrote in Latin, which may equally serve for those of the neighbouring country. For he tells us, "That they were penned by clergymen, who were for supporting the pope's and the church's authority, by continuing both kings and their people in ignorance; which is one great pillar of their kingdom; and so have in their awne (own) and only power, the conception and interpretation of the laws."

As to the other regulations and laws of this great prince, I have already spoken fully; it remains now that I touch farther upon the state of the king's court in this reign. The greatest officer of his court was the chief justiciary, the next was the constable, then came the seneschal, the marshal, the chamberlain, the chancellor, and the treasurer. Of those in order.

The office of the justiciary was in the nature of vice-royalty, while the king was beyond seas; and, when at home, he presided in the king's court, during the discussion of all matters, both civil and criminal; and likewise in the exchequer, being a kind of director or controller of the finances. This office was common to other courts where the feudal law prevailed; but with more extended powers than they had in England.

The post of constable, another great officer of the king's court, was both civil and military. The particular powers belonging to this office are very obscure, and are best illustrated by a memorial in a statute made the thirteenth year of Richard II, wherein it is declared, that the constable of England ought to have cognizances of contracts touching feats of arms and of war out of the realm, and also of such things relat-

very probable; for this king was a liberal benefactor and founder of religious houses, and a great encourager of the clergy, who were then the most learned and best versed in the law. It is also very agreeable to think, that a prince, so singularly religious and just, as both our own and the English historians reckon him, and who was at so much pains and expence to promote what he thought was the interest of the church, and who frequently in person judged the causes of the poor, and of widows and orphans, would also be very concerned to have the laws, for the administration of justice, orderly digested, for the good of his subjects. This thought is supported and confirmed by the chronicles of the abbey of Kinlofs, founded by this king David; where it is said, that this king employed several of his nobles to make a collection of the laws of their own country, and also of the most laudable customs and laws which in their travels they had observed abroad. This being done, he called a general council from all the corners of the kingdom, to digest these laws, for the rule of judgment in time coming; and, by the general consent of all present, there was from these collections picked out that system of our municipal law, commonly called *Regiam Majestatem*. The learned Skene maintains his opinion by the tenth paragraph of the preface to the Majesty, where the composer says, he digested these laws by order of king David, cum sano concilio totius regni sui tam populi quam cleri. Besides, in his annotations upon the preface, he evinceth, that the Majesty contained the laws of king David I, by two irrefragable proofs; from the statutes of king William, the grand-child of this David; and of king Alexander II, his great-grand-child. The first proof is drawn from the first statute of king William, who began to reign in the year 1165, twelve years after the death of David (having succeeded to his elder brother Malcolm IV, commonly called the Maiden) by which it is appointed, that if any be challenged for theft, the custom and statute of king David shall be observed; which statute we have set down in the sixteenth chapter of the first book of the *Regiam Majestatem*. The next proof arises from the twelfth chapter of the statutes of king Alexander, the son of king William; whereby it is statute, that all stolen goods shall be brought to the places appointed by king David, which places are particularized in the twentieth chapter of the first book of *Regiam Majestatem*. By these two laws of king William and king Alexander, which are so expressly relative to the laws contained in the *Regiam Majestatem*, it is evident, this collection was made before the reign of these two kings, in the reign of king David. This serves also to cancel the suggestion offered by the learned Duck, That the *Regiam Majestatem* was composed in the reign of our king David II; for which he adduces the authority of Sir Henry Spelman, in his Glossary, at the words *lex Scotorum*; but with how little ground shall be shewn. To illustrate this matter, and to confirm the opinion of Skene, and of several others of our lawyers, the sentiments of the learned antiquaries of England may be considered. The ever-memorable and judicious Sir Henry Spelman, in his Glossary, where he touches the law of Scotland, mentions the *Regiam Majestatem* as composed in the reign of king David I, and tells us, that Glanville was not chief justice until the year 1180, without moving any objection against the antiquity of the majesty; and says, this book and Glanville were much the same; which he elegantly expresses thus in Latin: In prefatione dispositione canone verborum integrorumque capitulorum textu, adeo inter se passim consentiunt (mutatis et ascriptis quæ utriusque gentis postulat ratio) ut alter ex altero manifeste cognoscatur desumptus; and concludes with a modesty suitable to his great judgment, Sed annos e Scotia justitiam nostram reportaverimus? alii judicent. Here this learned gentleman raises no ground of doubt, only civilly waves the decision of this question; so that Duck has escaped in quoting this Glossary, for what is not to be found in it. Anderson's *Indep. of Scotland*.

A.D. 1189. ing to arms or war within the realm, as could not be determined or discussed by the common law; with other usages and customs appertaining to the same matters, which other constables, before that time, had duly and reasonably used. We likewise find that the barons of the exchequer, in the reign of Edward I, certified, according to order, that the constable ought to have fees and allowances in money, finnals, (fine bread) wine, candles, and other things, as are expressed in the said certificate. This office sometimes was hereditary; and we find that, in this reign, Henry de Essex, the constable, held pleas either in the king's court, or in a circuit; but perhaps he held those, as being, besides constable, one of the justices.

Mareschal.

The office of mareschal, which seems now to have swallowed up that of the constable, was not an office of that great extent and honour it is now. Several offices of that name were as it were superintendants and managers about the king's tables, and were employed about his horses, games, and diversions. But there was, over all, a high mareschal, who was stiled *Marescallus regius marescallus Angliæ*, and *Comes marescallus*. The office itself was hereditary, and was called sometimes the *Magistra marescallia*, or *Magistratus marescalicæ*; and, according to Mr. Maddox, his office was wont to be executed, partly in the king's army in time of war, and partly in his court in time of peace. Here we consider him only as an officer of the king's court: as such, it seems to have been his duty to provide for the security of the king's person in his palace, to distribute the lodgings there, to preserve order in the king's household, and to assist in determining controversies arising there. He performed certain acts by himself, or his substitutes, at the king's coronation, at the marriages and interments of the royal family, at the creating of barons and knights, and at other great and ceremonious assemblies in the king's court. After the division of the king's courts, he used to appoint a deputy, or clerk, to act for him, in the court holden before the king, and another in the exchequer; the former was called *Marescallus marescalicæ curiæ regis*; and the latter *Marescallus*, or *Clericus marescalicæ de scaccario*.

Seneschal.

The office of seneschal was hereditary, and seems to have gone under the different titles of dapifer, sewer, cupbearer, and steward, or butler. This office was of Norman, or feudal original; the younger Henry having been hereditary steward to the king of France, as representative of Geoffrey earl of Anjou. Their office was chiefly about the king's person; and he seems to have had the superintendancy of the revenues of the household, and a very great trust about the king's person.

Great chamberlain.

The great chamberlain, or the *camerarius regis*, was likewise hereditary, and I take it to be the same with what is otherwise called *Camerarius Angliæ*. Sir William Dugdale says, that, in the Lyndsey family, in which that office is now hereditarily vested, he met with

an original charter, granted by Henry I, of the office of high chamberlain to Aberic de Ver, and his heirs, to hold it of the king, and his heirs, with all the dignities, liberties, and honours thereto belonging, as freely and honourably as Robert Mallet, or any other, had held and enjoyed the same; together with the liveries and lodgings of the king's court, which belonged to the said office of chamberlain. In England, says a great authority, some of the chamberlains performed some acts of their office in the king's court and household, and other acts at his Exchequer. They took care of the receipts and payments of the king's revenue. In the most ancient times, it seems, they used to act at the Exchequer sometimes in person; in the succeeding times, by their substitutes.

[Maddox.]

Concerning the office of chancellor, we have touched elsewhere; but it may be proper to enlarge upon it here. His judicial capacity, in some cases, lay within the palace itself, sometimes with the chief justiciary, sometimes with the justiciary's itinerant, and sometimes with the other great officers of state. The plain simple manner of conferring property and fees, during the four first Norman princes, left this to be a post of but little business; but when the great baronies came to be divided, when the number of royal charters began to multiply, and the power of the king's justiciary came to be dissipated in other courts, the office of chancellor became to be of the greatest dignity and pre-eminence, especially as it happened to be borne sometimes by men of great virtue and abilities. Under strengthened princes, such as Stephen and John, this office was venal, and during life, as it was under Henry III, who granted it to Ralph bishop of Chichester during life, with power to substitute an assignee, who was to act under him; but this assignee was a different person from that of the vice-chancellor, which was as old as this reign, and seems to have acted about the king's person, during his absence from England, while the chancellor resided here. Mr. Maddox is of opinion, that the office of vice-chancellor gave rise to that of *custos sigilli*, or keeper of the great seal.

During the most early times after the Norman conquest, the offices of treasurer and chief justiciary seem to have been in one person. Under this reign, the office of treasurer is frequently and distinctly mentioned, and often among the barons of the Exchequer. It seems, says Mr. Maddox, to have been the part or duty of the treasurer, in ancient time, to act with the other barons at the Exchequer, in the government of the king's revenue; to examine and controul accountants; to direct the entries made in the great roll; to attest the writs issued for levying the king's revenue; to supervise the issuing and receiving of the king's treasure, at the receipt of Exchequer; and, in a word, to provide for, and take care, of the king's profit.

Treasurer.

Such was the state of the English constitution under Henry II, the most powerful prince

A. D. 1189. prince who had ever swayed this scepter. The variations from this shall be marked in the progress of my work, in which I shall have any opportunity of pointing out the degrees whereby the constitution received its present model. It now remains that I should speak of Henry's family and issue (1).

Henry's marriage,
[Speed.]

Eleanor, the wife of king Henry, was the eldest of the two daughters, and the sole heir, of William duke of Aquitaine, the fifth of that name, and the ninth in succession, son of duke William IV. Her mother was daughter to Raymond earl of Tholouse; and her great dowry was motive, first to Lewis king of France (who had two daughters by her, Mary and Alice) and after to Henry king of England, to marry her. There are of the French historians who report, that king Henry had a former wife, and that she bare unto him prince Henry; but writers of our own, and some also of the French, acknowledge only Eleanor for his wife. Their issue were,

and issue.

1. William, the eldest, who died an infant, in the second year of his reign.

2. Henry, his second son, by the same Eleanor, was born the 28th of February, 1154, at London; and was, when but a child, married to Margaret, daughter to the king of France, by Constance, his second wife; but he died without leaving any issue by her, though she bore a son, who only lived to be christened, and died presently after he was born. After king Henry's decease, she was married to Bela king of Hungary.

3. Richard, his third son, by the same lady, was born at Oxford, in the palace called Beaumont, 1157, and succeeded his father in the throne.

4. Geoffrey, his fourth son, was born the year following, and was, in right of Con-

stance his wife, earl of Brittany and Richmond: by her he had a daughter, called Eleanor, who died unmarried in prison, in the twenty-eighth year of the reign of king Henry III, as you will find more at large hereafter; and a posthumous son, named Arthur, of whom more will be said in the reign of king John.

5. John, who was the fifth and youngest son of king Henry, was also born at Oxford, 1166, and succeeded his brother king Richard in the throne, though unfortunately for himself, as well as the whole nation, as you shall see at large in his reign.

King Henry had likewise three daughters.

1. Maud, the eldest, born A. D. 1156, who was married to Henry duke of Saxony in 1167; but she died immediately after the king her father.

2. The second, named Eleanor, was born in the year 1162, and, as Rad. de Diceto and others relate, was married to Alphonso king of Castile, A. D. 1169; though R. Hoveden places this marriage in 1176; but which of them is in the right, is hard to determine at this distance of time; though this latter account seems the more probable of the two, she being then about fourteen years of age.

3. Joan, the third daughter, was born in the year 1165, and was married to William king of Sicily, A. D. 1176.

This king's base issue by Rosamond before-mentioned, were as follow:

His concubines and natural children.

1. William Longespec, or Long-sword, so called from the sword he usually wore; on whom king Richard, his half brother, bestowed in marriage Ela, the daughter and heir of William earl of Salisbury, and with her that earldom.

2. Geoffrey, his brother, by the same lady: he was first made bishop elect of Lin-

(1) Remarkable occurrences in the reign of Henry II.

In the sixth year of his reign, thirty German heretics came into England to propagate their opinions. One Gerard was their teacher. They said they were Christians; but denied baptism, the Lord's supper, and matrimony; for which they were condemned by a council of bishops at Oxford, and delivered over to the secular power to be punished. Accordingly they were marked in the forehead with a red-hot iron, whipped, and thrust out of doors naked in the midst of winter; where none daring to relieve them, an order having been published to the contrary, they died of hunger and cold, and were the first that ever suffered for heresy in England.

In his fourteenth year, Robert bishop of Lincoln died, and the king kept his see vacant seventeen years, himself all that while receiving the revenues of that diocese. Hol.

In his eighteenth year, a mighty tempest happened in England, Scotland, and Ireland; and three men were killed by thunder and lightning, at Andover in Hampshire, on Christmas-day. Ibid.

The same year, as king Henry was about to take horse at Cardiff in Glamorganshire, an apparition appeared to him; and having threatened him with some dreadful plagues if he did not amend his life, it vanished. Ibid.

The next year, this infamous collect was ordered to be used in all churches in the province of Canterbury, to expiate the guilt of Becket's murder: "Be favourable, good Lord, to our supplication and prayer, that we, which acknowledge ourselves guilty of iniquity, may be delivered by the intercession of Thomas thy blessed martyr and bishop." Ibid.

In his twenty-third year, it rained blood in the isle of Wight for two days. Ibid.

In his twenty-sixth year, on the 18th of June, after sun-set, the new moon then shining out fair, with her horns to the east, on a sudden seemed to be divided in two; out of which there appeared to rise a burning brand, casting forth sparks and flames, as if it had been on fire. The body of the moon seemed to wriggle like an adder that is beaten; it did so above twelve times, and then turned black. In September, the moon being about twenty-seven days old, at six o'clock, a partial eclipse of the sun happened; its body appeared to be horned, the horns shooting towards the west, as the moon does at twenty days old: the rest of it was covered with a black roundel, which coming down by little and little, threw about the horned brightness that remained, till both the horns hung down on either side towards the earth; and as the black roundel went a little forwards, the horns turned to the west, and the blackness passing away, the sun recovered his former brightness. Ibid.

In the Christmas holidays, A. 1179, the twenty-sixth of Henry II, says Rog. Hov. near Derlington in the bishopric of Durham, at a place called Oxen-hall, the earth raised itself up like a lofty tower, and remained several hours in that posture; on a sudden it sunk down again with a horrid noise, and the earth so sucked it in, that it made there a deep pit, which continues to this day: and Mr. Camden, in his Britannia, new edit. p. 774, supposes it to be the wells that are now called Hell-kettles.

In the year 1185, there was so great an earthquake, as overthrew the church of Lincoln and other churches. There was almost a total eclipse of the sun.

In the thirty-fourth year of his reign, a crucifix was seen in the air at Dunstable, and streams of blood seemed to flow out of the wounds of the feet, hands, and side; it was visible several hours. Hol.

In the last year of this king, Mr. Holinshed (who is apt to take too much notice of these things) reports, that the fish leaped out of the water in a pool in Normandy, and fought together on dry land, with such noise, as drew the neighbouring people to behold this wonder, which it seems was in the night-time.

coln,



KING RICHARD THE I.st

A. D. 1189. **W**coln, and so continued from the year 1174 to the year 1181, and then he renounced his election, as has been already shewn; but some years after he was better reconciled to the episcopal function, when he was, in his brother king Richard's reign, elected archbishop of York, notwithstanding all the opposition that was made against it, of which you will find enough hereafter.

Besides these, king Henry had, by another concubine (the daughter of Sir Ralph Blewet, a knight) one son, named Morgan, who was,

by his half brother the archbishop of York, made provost of Beverley; and being to be elected bishop of Durham, went to Rome for a dispensation, because as a bastard he was by that means incapable; but the pope refusing to grant it, unless he would pass for the son of Blewet, he plainly told him, He would never deny his father; and so chose rather to lose the profit and dignity of that rich bishopric, than that of his blood, though but the natural son of a king.

A. D. 1189.

6. RICHARD I. surnamed COEUR DE LION.

A. D. 1189.
Character of
Richard's go-
vernment.

Poor and precarious is that prince's title to fame, who builds it on that merit which is in common with his meanest mercenary. Where pre-eminence is painful, where courage is well placed, and liberality beneficent, the character is amiable, if not great: but where those virtues are wrong directed, instead of a man, they form a monster; instead of a king, a tyrant. The prince, whose life I now attempt to describe, was powerful, brave, and generous: but power inspired him with arrogance, valour pushed him into madness, and liberality led him to oppression. Thus did he gain the ill-will of his neighbours, the contempt of his enemies, and the curses of his subjects. The blood of Rollo seldom tasted the richest of all luxuries, that of blessing thousands, of cheering the anguish'd heart, and healing the broken spirit. The ravages of furious zeal, professed by every bigot, and over-boiling courage, more allied to brute than human nature, fill up the measure of this prince's reign, in which England bled to furnish out the triumphs of religious rage and impious superstition.

I shall but just mention the invidious story of the deceased Henry's body bleeding at the nose, upon the approach of Richard, that I may disclaim it. The fact might be true, yet not supernatural. But it would be unjust should I omit, that Richard shewed a sincere, deep contrition at his past behaviour; and was so decent to the memory of his father, that he retained about his own person all his most trusty domestics who were willing to serve him, and provided for the rest suitable to their merit. On the other hand, he nobly discarded the minions of his passion, and all who had been unfaithful to his father, though in his own behalf. But his

expedition to the Holy Land now swallowed up every other purpose of his soul. To proceed in this with all the magnificence and vigour his mind could desire, two things were chiefly necessary; first, a sincere reconciliation with those neighbours and relations who were most likely to give him trouble; and the next was, to amass money for his expences. Richard therefore, immediately upon his father's death, had an interview with the king of France, where the late peace was again sworn to, with some variations immaterial to English history. Earl John was now at the court of Richard, who found it his interest to care for him; and there seemed to be a perfect union in the royal family. For the queen mother acted in England as regent, during her son's absence: and as popularity was of the utmost consequence to Richard's views, she had orders to begin her administration with an act of general indemnity. The prisons now gave up their captives, and the laws their forfeits. The (1) nature of this indemnity leads us to the knowledge of many particular acts of oppression, into which Henry's government had degenerated during the latter part of his reign. For Richard's orders were, That all trespassers upon forest laws should be set at liberty; and that all who were out-lawed for misdemeanors in forests, should be freed from their forfeits, and have liberty to return home. But what is still more remarkable, it appears that Henry and his ministers had, contrary to law, or the constitution of England, committed a great many to prison, where they either lay without any trial, or, if tried, were likely to be condemned on false evidence. All such had liberty, and none were confined but the vile instruments of their persecution. She next exacted an

A. D. 1189.
Richard confirms the peace with France.

An act of indemnity passed.

(1) She commanded, by precept from the duke her son, that all who were taken for trespass in forests should be set at liberty; and all that were outlawed for any thing done in forests might return free and acquitted from all forfeitures. That all such as had been taken and restrained upon the king's will and pleasure, or upon the will and pleasure of his justice, and were not imprisoned by the common accusation of the county, or hundred, or upon an appeal, should be released; and such of those as were accused by the county, or hundred, that could find sureties for their appearance and trial if they were prosecuted, should be set at liberty. Those also that were imprisoned upon an appeal for any heinous crime, if they had sureties, might be set at liberty. And all such as were outlawed upon accusations, upon common fame, might return, and give security to stand trial; and such as were outlawed upon appeal, if they could make peace with their adversaries, might be free. All those that were appealed by such as confessed themselves malefactors were released. And those malefactors who had their lives and limbs given them for their appealing others, were to abjure the realm, and depart. And such malefactors who voluntarily appealed others, without a pardon for their lives and loss of limbs, were to be kept in prison until farther consideration. Brady.

A. D. 1189.
An oath of al-
legiance ex-
acted.

oath of allegiance to Richard's government; which has given occasion to an impertinent remark of a modern writer, because detracting from that immortality, that unconsciousness of any cessation of government before coronation, which is fundamental in our constitution (1). The liberties of England never can be endangered, by admitting the constitutional rights of her kings in their highest extent; but they may be endangered by the extremes of either giving too much power to right, or cramping it in its just prerogatives, inseparable from well-ordered government.

Richard lands
in England.

Earl John has
great estates
conferred up-
on him.

Richard at the same time restored the turbulent earl of Leicester to his estates; and, after being solemnly inaugurated in the duchy of Normandy at Roan, and receiving homage accordingly, he set out for Barfleur, from whence he landed in England about the middle of August, where he was received with prodigious joy. He was followed into England by his brother earl John, whose pretensions now came under consideration. As Richard was fully sensible how dangerous it might be to leave the first adult prince of the blood disobliged, he endeavoured to win him over by a profusion of estates and honours: for, besides the earldom of Mortaigne in Normandy, he gave him those of Cornwall, Dorset, Somerset, Nottingham, Derby, and Lancashire; together with the castles of Pec, Bolsover, Marlborough, Ludgarshal, Wallingford, Tick-hill, and Haye; with the great earldom of Gloucester, together with the heiress of that family in marriage. The next prince whose friendship was to be conciliated, was the king of the Scots. With this view he sent to invite that prince to a conference at Canterbury, with assurances that every thing should be adjusted to his satisfaction. What the effects of this interview were, shall be seen hereafter.

Richard im-
prisons Ste-
phen de
Tours.

Richard's next consideration was how to make preparations suitable to his prodigious undertaking. One Stephen de Tours had been chief minister to Henry, during the latter part of his reign. Avarice and indulgence for ministers had grown up with the other failings of that prince. He was known, in general to be immensely rich; but the particulars perhaps were only known by this Stephen, who had been his treasurer. Him, therefore, Richard seized upon, and confined, with great inhumanity, in heavy fetters within the castle of Winchester. This severity had its desired effect. The minister gave up all the treasure and places he possessed, together with an immense sum, for his own liberty. The whole of this, together with

what he found in ready money, plate, and jewels, was very great, and, if we may believe the authors of the times, amounted to upwards of a hundred thousand pounds, besides uncoined plate, jewels, and utensils, to little less than the same value. The rich bishop of Ely happening to die at the same time intestate, Richard seized on his estate, which amounted to a vast sum for a private man. He then bargained with some of his richest prelates and noblemen for estates and honours. All were welcome to be purchasers, without respect to quality or merit; and, among the rest, the bishop of Durham gave him a vast sum for the earldom of Northumberland, and the office of chief justiciary. The great seal of England was next put up to auction, and purchased by William Longchamp the first minister, for three thousand pounds; and so flagrant was the royal venality, that Richard publicly declared, that, could he find a buyer, he would sell the city of London itself. Offices of inquisition into the behaviour of magistrates were next erected. Offices not of reformation, but oppression! for crimes were made, not found. The innocent and guilty suffered in common, and nothing but paying large sums into the king's coffers gave safety to the one, or indemnity to the other. Richard's next care was to provide transports for his troops. For this purpose he sent proper officers through the sea-ports of all his dominions, to take up ships, always making choice of the largest and best built. Those were well victualled, armed, and equipped for the expedition to the Holy Land; and such a spirit of crusading then seized all Europe, that we are told, by our ancient authors, the very women sent their distaffs in derision to the men who had neglected to take upon them the cross. Such were the arts by which this brave, but ill-fated, and worse-judging, prince reduced the patrimony of the crown, exhausted the substance of his people, and prostituted the justice of his country, that he might procure a temporary supply to his religious rage, and unbounded vanity.

He raises great
sums upon his
nobility.

Richard's op-
pression and
venality.

He prepares
transports for
his troops.

Richard, since his arrival in England, had generally resided at Winchester; but, in the beginning of September, he set out for London, in order to be crowned. The ceremony was performed by Baldwin archbishop of Canterbury, on the third of September, and was celebrated with great pomp and magnificence. Our old authors have noted it very minutely, and it is particularly described in the notes (2). It is sufficient if I remark here, that his oath consisted of the following

Richard's co-
ronation.

(1) Mr. Tyrrel, after mentioning this oath, says, That it is the more remarkable, because it is the first example we can find of any oath of fealty or allegiance that ever had been hitherto taken to a prince, by the title of king of England, before he was crowned, and therefore I very much doubt whether or no there is some mistake committed by this author in the wording of this oath, because it styles him king, when, within four lines after, he calls him no more than duke. But this author ought to have considered, that there can be nothing, in this observation, but a mere cavil at the words of an author not famed for accuracy; since it is agreed upon, by all authors, that, previous to this oath, Richard had, with the applause and approbation of the whole kingdom, exercised the most important acts of regal authority.

(2) First, the archbishops of Canterbury, Roan, Triers, and Dublin, with the other bishops, abbots, and clergy, apparelled in rich copes; and having the cross, holy water, and censers carried before them, came to fetch the duke at the door of his privy-chamber, and having there received him, they led him to the abbey-church of Westminster with a solemn procession. In the middle of the bishops and clergy went four barons, each carrying a golden candlestick, with a taper; after whom came Geoffrey de Lucy, bearing the royal cap; and John the mareschal next to him, bearing a massy pair of spurs of gold. Then followed William earl of Striguel and Pembroke, who bore the royal scepter, at the end whereof was a cross

A. D. 1189.

A. D. 1189.

The Jews massacred.

He constitutes a regency.

He obtains power from the pope to grant dispensations.

The king of France solicits the performance of Richard's vows.

Richard's convention with the king of the Scots.

following parts: That he would duly serve Almighty God, with the church and her ministers, all his life: That he would exercise right justice and equity to his people: That he would abolish all evil laws and bad usages, if any such had been introduced into the kingdom; and enact good laws, which, without fraud or mental reservation, he would keep. During the solemnity, the Jews, who were at that time very numerous in England, appeared in or near the church where it was performed, in very rich habits and equipages. This grandeur and appearance of riches, at a time when a hatred of infidelity was the ruling passion of the public, so greatly incensed the people of England, who themselves were impoverished, that they rose in a tumultuous manner, drove the infidels from the court, and killed some. Their rage gaining strength for want of opposition, they proceeded to murder all they met with; and after plundering and pillaging their houses, set them on fire. The flames communicating to the adjacent buildings, some houses of the Christians were burnt; and Ralph de Glanville, then chief justiciary of England, was obliged to march into the city to appease the tumult. But his presence being ineffectual, Richard himself was obliged to undertake that service. It is more than probable, that the forwardness of the infidels, in appearing at the coronation, was owing to the encouragement of the king himself, who might have a design to squeeze from them what money he could get: for it is certain, that the day after his coronation, he sent a strong detachment of his military troops, who seized and hanged up the ring-leaders of the late commotion.

Soon after, Richard received the homage of all his nobility, and executed with his great men the bargains and agreements he had before made. But those proceedings were very disagreeable to that honest minister Ralph de Glanville: he had the courage to remonstrate, under this king, with as much freedom on the public grievances, as he had under the late. But Richard, less patient of

admonition than his father had been, and glad of an opportunity of stripping him of his well-earned substance, took from him his post of chief justiciary, then threw him into prison, from which he was not released before he paid fifteen thousand pounds: a prodigious sum for those times! In his room, William earl of Albemarle was joined in commission with the bishop of Durham; and the regency of the kingdom, during the king's absence, was invested in them, together with William earl marshal, Geoffrey Fitz-peter, William Bruvere, Robert de Whitefeild, and Robert Fitz-remfrid. About this time he obtained, from pope Clement, a power to dispense with the performance of the crusade, to such of his subjects who were inclined to stay at home, after taking the vows. As a great many had, by this time, repented of their folly, or found their vows inconvenient for their affairs, the king raised large contributions by excusing such as were willing to stay at home.

In the month of November, Richard held a parliament at London. The occasion of this assembly was to satisfy the king and people of France, that the court of England was determined to fulfil all its engagements with regard to the crusade. Philip, who knew Richard's nature, had been a little uneasy at his delay, and sent over the earl of Perche, with some other noblemen, with a copy of an association, drawn up in the parliament of Paris, signed by himself and his chief noblemen, by which they engage to be at Vezelay in Burgundy by the following Easter. The envoys had instructions at the same time, to demand a like security from Richard and his subjects. This was now given in the fullest terms, and mutual oaths for the performance were exchanged by plenipotentiaries on both sides.

Richard's affairs in the south, and on the continent, being now settled, he turned his thoughts to the north. A meeting between him and the king of the Scots being appointed at Canterbury, Richard, according to ancient conventions between the two

of gold. William Fitz-patric, earl of Salisbury, went next to him, bearing the golden rod, having a dove on the top. Then came three other earls (viz. David, brother to the king of Scots, as earl of Huntingdon; John, the duke's brother, as earl of Lancaster and Derby; with Robert earl of Leicester) each of them bearing a sword upright in their hands, the scabbards richly adorned with gold; earl John going in the middle, as in the most worthy place. After them went six earls and barons, bearing a chequered table, upon which were laid the king's robes, and some other regalia to be used at the coronation. Then followed William Mandeville, earl of Albemarle, bearing a large crown of gold, set with precious stones. After him, duke Richard himself, having the bishop of Durham on his right-hand, and Reginald bishop of Bath on his left, over whom a canopy of state was borne by four barons. Then followed a great train of earls, barons, knights, and others, as well of the clergy as laity. In this order he came into the church at Westminster, where, before the high altar, in presence of the clergy and people, laying his hand upon the holy evangelists and reliques of diverse saints, he took a solemn oath, That he would observe peace, honour, and reverence to Almighty God, his church and her ministers, all the days of his life: That he would exercise upright justice and equity towards the people committed to his charge; and that he would abrogate and disannul all evil laws and wrongful customs, if any were introduced within this realm; and make, keep, and sincerely maintain those that were good and laudable. This being over, they put off all his garments from his middle upwards, leaving him only his shirt, which was open on the shoulders, that so he might be anointed. Then the archbishop of Canterbury anointed him in three places, viz. on the head, the breast, and the arms; which unctions signify, glory, fortitude, and wisdom. Then he covered his head with a fine linnen cloth, and set the cap thereon which Geoffrey de Lucy carried; and then, when he had put on his surcoat, viz. his upper garment, called the dalmatica, the archbishop delivered to him the sword of the kingdom, to subdue the enemies of the church; which done, two earls put shoes upon his feet; then having the royal mantle hung on him, he was led to the altar, where the archbishop charged him, on God's behalf, not to presume to take upon him this dignity, except he resolved inviolably to keep those vows and oaths he had just then made. To which the king answered, That, by God's grace, he would faithfully perform them all. Then the crown was taken from beside the altar, and given to the archbishop, who set it upon the king's head, delivering the scepter into his right-hand, and the rod royal into his left; and being thus crowned, he was brought back to his throne, by the bishops and barons, with the same solemnity as before. Then began high mass; and when they came to the offertory, the king offered a merk of pure gold, as his predecessors used to do at their coronations. Then the archbishop led him back to his throne; and mass being ended, the bishops and clergy attended him, thus royally arrayed, from the church to a chamber adjoining, in like solemn procession as before; whence, after reposing himself awhile, he, with the same procession, returned into the choir; and having put off his heavy crown and robes, and taken others more light and portable, he went to dinner.

Tyrrel, vol. ii. p. 470.

NUMB. XLIX.

7 G

crowns,

A. D. 1189. crowns, sent Geoffrey his brother, the elect archbishop of York, together with all the barons of the northern counties, to receive the Scotch king on the frontiers of the two kingdoms. So splendid a deputation could not fail of pleasing that prince, in a country where he had been so lately treated with unbecoming ignominy; and about the middle of December the conferences were opened between him and Richard at Canterbury. The subject of them related to the castles which had remained with the crown of England since the charter of homage granted by the Scot to Henry II, and a release of the fealty then sworn to on the part of William. Of those castles, William had already recovered two; but those of Roxburgh and Berwick still remained in possession of the English. Richard's rage, at this time, after money, did not suffer him to consider that the retention of those castles would be of infinite more service against the invading Scots, than any sum their king was capable to pay could be to his interest; but, at this time, like a prodigal spendthrift, he cared not what lands he mortgaged, or what privileges he gave up, provided he could gratify his passion and vanity. The Scot was not unacquainted with this, and made a wise and proper use of the advantage: for, upon his agreeing to pay ten thousand merks in silver, and to renew his homage for his possessions in England, Richard renounced, in very strong terms, all pretensions to fealty from William, and his subjects of Scotland; and the charter which we have in Hoveden is very full on this head. For, after acquitting him of all conventions and pactions, it says, that those conventions and pactions were extorted from William by unprecedented writings and dures. The first of those expressions is, I think, very strong in favour of the independency of Scotland; and it is amazing that, in all the numerous altercations between the English and the Scots on this subject, this particular has never been attended to by the latter, with the weight it deserves. But of this more hereafter.

Richard heaps farther honours and estates upon John.

Madox.

His exactions,

To make up the circle of this splendid congress, earl John about this time arrived at Canterbury. Richard, in vain, thought to satiate his ambition by feeding it; for, that he might bind him still closer to his duty, he crowned all his former profusion of honours by the additional earldoms of Devonshire, Dorset, and Cornwall. He next settled the jointure of his mother, and augmented what she had by the late king with all that had been formerly settled upon Matilda, the wife of Henry I; the queen comforts of those days being entitled to settled provisions. It was about this time, likewise, that Richard, to swell the hoard which he intended so ridiculously to dissipate, upon a frivolous pretext obliged Geoffrey archbishop of York to pay three thousand pounds for the possession of his lay fees, and the temporalities of his archbishopric, with an exemption from the exactions and grievances of the forests. The king then made some

alteration in his regency. The bishop of Ely was made chancellor, and had the great seal delivered to him, together with the custody of the tower of London. He was likewise joined in commission as chief justiciary of England with the bishop of Durham, and appointed one of the regency, together with Hugh Bardolf, William earl marshal, Geoffrey Fitz-peter, and William Bruvere. At the same time he made the bishop of Durham constable of the castle of Windsor. But his greatest difficulty at this time, and which he at last effected, was his composing the differences among his ambitious churchmen, of which we shall see farther in the ecclesiastical period of this history. One incident, however, may be proper to be mentioned here. A legate had arrived to determine a quarrel between the archbishop of Canterbury and the monks of Christ-church; but no sooner did this legate come to Dover, than an order came from the English court, which was then at Canterbury, that he should proceed no farther till the matter was determined in parliament. The king, at this time, was upon a pilgrimage to St. Edmund's shrine in Suffolk; so that the whole transaction was managed by his mother Eleanor; and, notwithstanding all the remonstrances of the legate, she never would suffer him to interpose. The king being returned, a parliament was accordingly held, at which the king of the Scots, and all the great nobility assisted, and matters were compromised by their authority, without any intervention of the legate, who had the mortification to see his powers, on this occasion, set aside and despised.

A parliament held, to compose certain differences, in the church of Canterbury.

Before, and during, Richard's residence in Canterbury, he had set on foot many other expedients, besides those I have already mentioned, for heaping up money. Great fines were raised for the possession of offices and estates; there was scarcely a subject of any property in the kingdom who did not contribute to the expedition; and, if I may be allowed a conjecture at this distance of time, the gross sum raised by Richard on this occasion, did not amount to less than a eleven hundred thousand pounds in ready money or plate, which, at a very moderate computation, may be fixed to seven millions five hundred thousand pounds of our money. His great undertaker for all this was Longchamp bishop of Ely, who, by infamous arts, riveted himself in his master's affections, and possessed all the substance of power, while others had the shadow. Among other instruments of oppression made use of, Richard, by this person's advice, scandalously pretended that the great seal of England was lost. Another great seal, therefore, was made, by which all grants made by this prince were to be renewed, at a certain expence, otherwise they were to be invalid.

Computation of the money he raised.

It was no wonder if, while all regard of public justice, and all attention to public security, were thus swallowed up by one blind furious passion, rapine stretched forth her hand over England. An eminent free-booter, so well known to after-times by the name of

Matt. Paris.

An account of Robin Hood.

Robin

A. D. 1189.

Robin Hood, at this time infested the country of England. He had none of the low pilfering qualities of modern times; his rapine was almost as avowed as was that of the government, but somewhat more generous. For we are told, that, of all thieves, he was the prince, and the most gentle; the rich he spoiled, but the poor he spared; of blood he was cautious, if not innocent; and forbore all acts of violence to females. His retinue was seldom less than a hundred strong, resolute men. His residence generally was in Sherwood; and his first minister was one John, from the figure of his body, probably, surnamed the Little. So dissolute was the government of Richard at this time, that I find no attempts to crush this audacious robber, who is said to have been of noble blood, and very possibly paid contributions to the ministry for toleration.

State of Richard's government at this time.

Such was the state of Richard's kingdom when he undertook his expedition into the Holy Land; the most deplorable that can be imagined. Exhausted of money, abandoned by its head, ridden by venal officers, who, as they bought their places, thought themselves entitled to sell their consciences; who were secure only by rapine, and could be great only by being guilty; religious rage blinding at once king, nobles, and people to all posterior considerations, and every palpable consequence which afterwards followed. For however a people may, through blind zeal, bear for a while with oppression; yet intense calamity will soon bring them to their senses, and produce a convulsion, as was the case of this and the following reign, which must shake the pillars of government itself, and bid fair to bury the constitution in its ruins. In short, all the conduct of the government at this time was frantic, and despicable to men of sense. For we find that Rees, prince of South Wales, held Richard in so much contempt, that though the latter sent his brother John to attend him to his court; yet, because the king did not meet him in person, he contumeliously returned back from Oxford, without deigning to come to any conference, or sending a civil message to court. But very different was the behaviour of the king of Scots; for, besides the ten thousand merks, with the homage he had already paid, we are told (though I think our oldest English historians are silent on this head) that William put his brother David at the head of five thousand men, who were to assist Richard in his expedition. Whether this was done in consequence of a private article, or in pure zeal for the expedition, I cannot pretend to say; or whether it may not be an ill-judged boast of the Scotch historians, who are unwilling that their countrymen should be left out of that illustrious train of madmen.

The prince of Wales disregards Richard and his government.

Nothing now remained to detain Richard in England, besides the discussion of an interdict, entered by the archbishop of Canterbury, against the marriage of earl John with the heiress of Gloucester, on account of consanguinity. The earl, upon this, complained to the parliament at Canterbury,

who, in some sort, obliged the prelate to accept of an appeal to the pope; upon which the interdict was withdrawn.

A. D. 1190.

Richard then embarked at Dover, and landed at Calais on the 11th of December, where he was received by Philip earl of Flanders, who attended him into Normandy, where he kept his Christmas, at the town of Bures, with great solemnity. Here Longchamp bishop of Ely insinuated himself, by his bold enterprising measures, so deep into Richard's affections, that he determined to raise him to a rank above what any subject of England, under the Norman race, had ever yet known. This he did from a mistaken principle, that, because Longchamp was of mean parentage, there might be the less danger of his aspiring to independent government; or of any coalition between him and the great nobles, by whom he supposed this prelate would be hated. But Richard, on this occasion, was guilty of a more gross error in politics. He had invested his brother John, an ambitious, restless prince, with so great a share of property, that he seemed to divide with him his kingdom; but, at the same time, without reflecting that power follows property, he preposterously excluded him from all share in the government. It is true, before Richard left England, and before he had squeezed from his subjects all he possibly could, his partiality towards Longchamp, and his jealousy to his brother, appear to have been kept secret. But the former, who was the only English minister he had along with him in Normandy, had now thoroughly prepossessed him, and undertook for all the consequences.

Richard goes to France.

His great favour to Longchamp bishop of Ely.

Hoveden, Gervase, Brompton.

On the 13th of January, Richard and the king of France had an interview together, which was to be final as to their conduct in the expedition. After renewing the former peace in the strictest manner, they mutually swore, in the word of truth, That they would both preserve the honour of each other, and keep faith to one another, in defending their lives, limbs, and terrene honour: That neither should fail the other in the management of their affairs; but that the king of France should help the king of England to defend his land, as if he were to defend the city of Paris if it were besieged; and so king Richard was to defend the king of France's dominions, as he would defend Roan if it were besieged. The earls and barons of both kingdoms swore they would not depart from their fealty to their kings, nor make any wars or broils within their dominions, while they were in their peregrination; and the archbishops firmly promised, in the word of truth, that they would anathematize the transgressors of this peace and agreement. They further agreed, that if either of them died, the survivor should have the money and men of the defunct, to carry on the service of God; and because they could not be ready by the close or octaves of Easter, they deferred their voyage until Midsummer.

Richard's final convention with Philip.

Hoveden, Brady.

Verbo veritas.

But though our historians in general agree, that the nobility, spiritual and temporal, of both

Earl John's bans forbid with the heiress of Gloucester.

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Queen Eleanor, and many of the English nobility, sent for to France by Richard.

His jealousy of earl John.

Character of Longchamp, his prime minister.

Longchamp goes to England.

His business there.

both kingdoms were present at this agreement; yet I am inclined to think, that our old historians mean only those of Richard's and Philip's dominions in France, though many of the former were undoubtedly English as well as French peers. For, after those articles were sworn to, Richard, having now entirely settled his plan with the bishop of Ely, sent over for queen Eleanor his mother, Alice sister to Philip king of France, Baldwin archbishop of Canterbury, and earl John; together with the bishops of Norwich, Durham, Winchester, Bath, Ely, Salisbury, and Chester. At the same time he sent over Longchamp to England, to carry into execution the measures they had concerted. One part of that prelate's scheme was, that earl John, and Geoffrey archbishop of York, should not set foot upon English ground during Richard's absence. As the latter could have no other security for this, than the oaths of the parties, Richard forced both of them solemnly to swear, not to return to England, without his licence, for three years. It was easy to perceive the meaning of this. It gave great indignation to all the English nobility; and Eleanor, whom Richard sincerely loved, wrought so effectually upon him, that, during the absence of Longchamp, he released John from that part of his oath, upon his swearing to be loyal and faithful. Thus the whole of his proceeding was impolitic and unsteady, and neither proper to retain John in his duty by confidence, nor to over-awe him from rebellion by severity. But the truth is, that Longchamp himself was but a weak man, and had recommended himself to Richard only by the oppressive boldness of his measures, and a certain simularity which existed in his nature to his own: for he was venturesome, proud, and magnificent; he courted power by profligate, indirect means; but was ill fitted to support it, by wisdom or magnanimity; insolent in office, dejected in adversity, ever impetuous, seldom plausible, and never amiable.

His leaving Normandy with all his enemies round the person of his only friend, discovered his want of judgment: for Richard having joined him in commission, without any partition of jurisdiction with the bishop of Durham, as high justiciary, he expected from the plenitude of his powers, particularly his legantine, to have done by the bishop of Durham (as Cæsar had done by Bibulus) of a colleague, to have made him a cypher, in government. This was foreseen by Eleanor and the nobility; and they procured from Richard a power, by which the bishop of Durham was constituted high justiciary over all that tract which lies between the Humber and Scotland.

The business of Longchamp in England, during this important period, was to prepare farther aids for the king's expedition, and to protect the Jews from a general massacre which now threatened them. This was done, not out of any affection of the government to the unhappy infidels, but to prevent their great riches from falling into the hands

of the common people, from whom the government could not expect to be so well supplied as it was by the excessive impositions which were laid upon, and levied from, the Jews. For the first purpose, we are told, that he obliged all the cities of England to furnish two palfreys, or saddle horses, together with two sumpters; and every abbey, one palfrey and one sumpter; with as many from every one of the royal manors. This aid seems to have been entirely extra-feodal, as I find no mention is made of it upon any of the ancient rolls, nor is it set down among the tallages collected this year, neither do we positively find that it was applied to the king's own use.

As to his proceedings with regard to the Jews, it is extremely difficult, at this distance of time, to state the facts truly. All the relation we have of them is from Christians, who would have thought it an impiety had they had not put the Jews in the wrong. But, even from their relations, it is easy to conceive, that the persecution of the Jews was owing to a spirit more blameable in a Christian than in an unbeliever, who is not under equal obligations to charity and lenity. But it is necessary, on this occasion, to premise somewhat with regard to the state of Judaism at this time in England.

The encouragement and the constitution of Jews in England, under the Norman line, was founded upon right maxims of policy, and, though not owned by our writers, through blind partiality, or pitiful bigotry, they were perhaps the main, though secret, causes of that uncommon affluence of coin which then prevailed in England, and that universal spirit of commerce which afterwards distinguished her. Though all our Norman princes hitherto, excepting William Rufus, had great weaknesses with regard to religion; yet they were not near so weak as their cotemporary princes on the continent. Some of those looking upon Judaism as a pestilence, to be compensated by no advantages, drove them from their dominions; others oppressed them beyond what the nature of any people, excepting the Jews, could have suffered; and, where they were most favourably treated, they were subject to sudden massacres from popular commotions. England was their only refuge; and here they lived, though not under an independent, yet under a separate, constitution, with regard to property, from the Christians. It is true that their estates were pretty much at the mercy of the sovereign, and they were excluded from the benefit of English laws; but, where the government was firm, they experienced no greater misfortunes from this, than the subjects of any arbitrary prince feel, or may feel, at this day. To have stripped them of their all, however considerable the booty might be, would have betrayed the same want of judgment as the person mentioned by the mythologist, who killed the hen that daily laid the golden egg, that he might be master of the mine from whence it came. The experience of the Jews in foreign countries opened

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Hoveden, Gervase.

History and constitutions of the English Jews.

Wisdom of encouraging the Jews.

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opened channels of commerce, which few or no English of those times had either genius or spirit to attempt. Our kings daily found the benefits of this; and, to have crushed them, must irrecoverably have buried the valuable treasure. They took them under their own protection; they were formed into a distinct body of subjects; they had taxes, usages, an exchequer, nay, privileges, separate from the rest of the nation. This, in a short time, brought them to be a numerous body, and to be useful instruments of government; for, being settled in the principal towns of a kingdom, their frugal manners, and industrious habits, aided by the influx of commerce, made them the bankers of all the ready specie of the kingdom. But still we are to observe, that all the insurance they had for their property, was the great utility they were of to the state, since all their rights depended only upon the charters of our kings, without any constitutional act in their favour. Those rights, in this reign, and that of Henry I, and Henry II, were, that they might reside in the king's dominions freely and honourably; that they might hold property in lands, fees, mortgages, and purchases: that if a plaint was moved between a Christian and a Jew, he who appealed the other should produce witnesses to deraign his plaint, namely, a lawful Christian, and a lawful Jew: that if a Jew had a writ concerning his plaint, such writ should be his witness: that if a Christian had a plaint against a Jew, the Jew should be tried by the Jew's peers: that when a Jew died, his body should not be detained above ground, and his heirs should have his chattels and credits, in case he had an heir that would answer for him, and do right, touching his debts and forfeitures: that the Jews might lawfully receive and buy all things which were brought to them, except things that belonged to the church, and except cloth stained with blood: that if a Jew was appealed by another without a witness, he should be quit of that appeal by his single oath, taken upon his book; and, if he was appealed for a thing that appertained to the king's crown, he should likewise be quit thereof by his single oath, taken upon his roll: that if a difference arose between a Christian and a Jew, about the lending money, the Jew should prove the principal money, and the Christian the interest money: that a Jew might lawfully and quietly sell a mortgage made to him, when he was certain he had held it a whole year and a day: that the Jews should not enter into pleas, except before the king (in his court, or his exchequer) or before the keepers of the king's castles, in whose bailiwicks the Jews lived: that the Jews, wherever they were, might go where they pleased with their chattels, as safely as if they were the king's chattels; nor might any man detain or hinder them. And the king, by his charter, commanded that they should be free, throughout England and Normandy, of all customs, tolls, and modulation of wine, as fully as the king's own chattels were; command-

ing his liegemen to keep, defend, and protect them: and charging that no man should implead them, touching any of the matters aforesaid, under pain of forfeiture.

In return of those privileges, our princes found many great and solid advantages; for they were wont to draw a considerable revenue from the English Jews by tallages, by fines relating to law proceedings, by amercements imposed on them for misdemeanors, and by the fines, ransoms, and compositions, which they were forced to pay, for having the king's benevolence for protection for licence to trade and negotiate, for discharge, for imprisonment and the like. Sometimes the whole body was arbitrarily taxed, and they were obliged to answer the payment for one another; but this appears to have only been upon extraordinary emergencies of state; and, upon default of payment, great fines and compositions were raised upon the forfeits. But those advantages to the crown made it look upon the Jews and their effects as being their own property, and therefore they were often-times spared, when the rest of the kingdom was fleeced. This seldom failed to create envy in the rest of the subjects; and, about this time, the spirit of the nation was so strong against the Jews, that several towns looked upon it as a peculiar privilege to be exempted from harbouring them. Thus, in a following reign, a charter of such exemption was granted to Newcastle upon Tyne, and another to the burghesses of Derby.

The period I now treat of, was, of all others, the most unfavourable to Judaism, as well from the prevailing spirit of the times against infidelity, as from the penury of the people coveting their riches. The treatment they met with in London, we have already seen; and to prevent the renewal of those or the like tumults, the first thing Longchamp did, after his return from Normandy, was to fortify the tower of London by a deep fosse, into which he introduced the water of the Thames, so as that the whole might be surrounded by part of that river. This, with the former examples of severity, seems to have had in London the desired effect. But the Jews were settled in other places of the nation, not so immediately over-awed by the power of government. At Lynn their estates and properties were pillaged, their houses burnt down, and themselves murdered; and when inquisition was made, the townsmen, well knowing they could not justify the outrage, laid the blame upon certain foreign mariners, who they pretended had fled from justice. The like fate this unhappy people met with at Stamford fair, and almost the same excuse was made. In Lincoln, when the people rose against them, they had the good fortune to seize upon the castle, and defended it bravely, till the government had time to interpose in their behalf, a few of the meaner sort only suffering from the rage of the rabble.

But the chief persecution of the Jews happened at York, where they were settled in

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uncommon splendor, and lived with invidious magnificence. The two most eminent families there, were that of Benedict and that of Joseus. Upon them and their houses the fury of the rabble first fell, and from them communicated itself to all others of that nation. The commander of the castle, well knowing that the Jews were protected by the government, could not, upon their demand, refuse them protection within the castle. Thither they conveyed the richest of their effects and moveables; and the people, disappointed of prey, spent their rage upon the empty houses, which they burnt to the ground, while most of the Jews escaped into the castle. From the manner of our historians, I conjecture, that the virtue of the commander was shaken at the sight of the great treasure, which he had now in his custody; for he left the castle, probably to treat with the people about sharing the plunder. But the Jews, justly, at once, suspecting his design and his honesty, mastered the garrison, manned the walls, and denied him re-admittance; but, at the same time, offered a large sum to be suffered to depart in peace, and without molestation. The high sheriff of the county laid hold of this proceeding as an overt act of treason; which indeed necessity alone, that stern comptroller of human actions, could justify. He therefore put himself at the head of the people, and vigorously assaulted the castle, which was obstinately defended by the infidels. Again the latter repeated their offers, which were again rejected. At last, having neither numbers nor provisions to hold out the place, they deliberated on what course they should hold. Immediate and ignominious death they knew must be the consequence of surrendering themselves into the hands of a multitude, conscious of outrage, dreading punishment, prompted by penury, irritated by resistance, and heated by religion. An ancient rabbi, therefore, on the result of the whole, with a spirit more than Jewish, gave the counsel of a Roman: "Let us, says he, as we have no hopes of escaping, set fire to the castle, and fall on the swords of one another, rather than die ignominiously by the hands of uncircumcised Christians." This advice, says my author, was performed with desperate resolution. Let me add, that it was an expedient which, if ever justifiable, was so in the case of these unhappy sufferers; and the conduct, if admitted to be great in a Heathen, was greater in a Hebrew.

Such were the first fruits of Richard's absence from England. Longchamp made a severe, but ineffectual, enquiry into the authors of the tumult. It appearing, however, that both the sheriff and the commander of the castle had greatly encouraged and abetted it; they were both of them displaced, and the citizens were obliged to give no fewer than one hundred pledges as securities for their good behaviour, as well as appearance to answer in the king's court; while several

of the military tenants of the county, thinking it a hardship they should be obliged to do the like, were put under arrest upon their refusal. We are now to attend Richard in his expedition.

Before he left France he marched against one William de Chisi, a baron of Gascony, who had failed in his respects to the crusading adventurers. Him he besieged in his castle, and, after taking it, hanged him over its walls. He then marched to Chinon, where he appointed the admirals of his fleet. These were Gerard archbishop of Auxerre, Bernard bishop of Bajeux, Robert de Sabloil, Richard de Camville, and William de Fortes. The two last seem to have been the acting admirals, while the others perhaps presided as commissioners of the navy and admiralty. It was certainly owing to them that the first body of marine laws which we find in the English records were here published. They seem to be a compound of the civil and Saxon institutions, and contained in substance as follows: That if any one killed a man in a ship, he was to be bound to the dead man, and thrown into the sea; if he killed him on shore, he was to be bound to the dead man, and buried with him. If any one was convicted, by lawful witnesses, that he drew his dagger, or knife, to hurt another, or drew blood, he was to lose his hand. If any one struck another with his open hand, without effusion of blood, he was to be ducked three times over head and ears in the water. If any one gave to his companion opprobrious language, so often as he did it, he was to give him so many ounces of silver. If any one stole any thing, his head was to be shaved (in the manner of a (1) champion) and boiling pitch poured upon it, and feathers stuck in it, that he might be known, and the first land the ship came to, he was to be thrown out of it.

Those regulations were published by way of charter; and, from its preamble, we learn, that they were drawn up by the king and council. In another edict, all the soldiers and sailors were enjoined to obey the justices of the fleet, who probably were the same with those we have already named as admirals, and, though joined all together in commission, might have several departments of business; since, though we find them all under the common name of justices, or commissioners, yet there is a sub-division, some being called directores, by which I understand the acting admirals; and others constabularii totius navigii, who probably acted as commissioners and judges: but this I only offer as conjecture.

Richard, after receiving his pilgrim's staff, at Tours, went, according to paction, to Vezelay, where he met his brother of France. After two days stay here, on consulting proper measures for their general rendezvous, each took separate routs; Richard that of Marseilles, to which he ordered his fleet to sail; and Philip that of Genoa. But a severe storm happened to dissipate the English

(1) The words in the parenthesis are omitted by Brady and Tyrrel.

A. D. 1190. fleet, which was under the command of Richard de Camville and William de Fortes; the squadron led by the former was obliged to put into the Tagus, and other parts of Portugal. There the admiral sent five hundred men on shore, at the request of that king, who was then attacked by the Saracen emperor of Spain and Morocco: but the latter dying before the English had occasion to shew their valour, they returned to their ships. By this time de Fortes, the other admiral, having collected the scatter'd fleet, had joined Camville, and all of them bent their course to Marseilles.

under arrest by Longchamp's brother and William de Stuteville, with a party of soldiers, till he should give security for his not leaving the kingdom. This the prelate was likewise obliged to submit to; but he sent over to France a full account of all the proceedings against him, which, as I have noted, came to Richard's hands at Marseilles. It is possible that this was no more than Richard expected; for all redress that Pudsey received, was an order from the king, to be put in repossession of the earldom of Northumberland, and the manor of Sadbury; which, notwithstanding the mistakes of many of our historians, it appears, from the book of Durham, quoted by Camden, he immediately recovered, and held till the return of Richard from the Holy Land. These orders from Richard tacitly implied, that the whole government should be vested in Longchamp.

A. D. 1190. He is restored to the earldom of Northumberland.

Pudsey bishop of Durham forced to surrender all his power and castles to Longchamp.

Richard had waited there for eight days, and it was there he first received an account of affairs in England. For Hugh Pudsey, bishop of Durham, having presented to Longchamp his commission, appointing him joint justiciary of all that tract which lies between the river Humber and the confines of Scotland, the latter, with all appearance of respect to his master's commands, carried him from Blythe in Nottinghamshire, where he first met him, to Southwell, a castle in the same county, and there gave him to understand that he was a prisoner. It appears, from the face of the history, that Richard, after the departure of his mother, earl John, and the rest of the friends of the bishop of Durham, had repented him of the commission he had signed to Pudsey, and had sent over private instructions that he should have no regard to it. Longchamp, however, seems at first not to have discovered any thing of this; but to have told him, that as he was sole justiciary in the southern bounds, he had therefore a right to the disposal of all the castles within his jurisdiction, and, among the rest, of that of Windsor, then held by the bishop of Durham. There was no disputing Longchamp's great power in such circumstances. Pudsey was obliged to comply. But something farther was still to be done: for Longchamp, not knowing what effects might attend that bishop's resentment of such treatment, obliged him to give pledges for his good behaviour towards the king and kingdom; and for that purpose, to deliver up his son Henry de Pudsey, and Gilbert de Lacy. The chancellor then, according to Richard of the Devises, pulled out of his pocket instructions from the king, of a later date than that of Pudsey's commission, and told him, that before he got his liberty he must proceed one step farther, which was, together with Windsor, to deliver up all the castles he had in his possession. This the bishop was forced likewise to do, still hoping that as soon as he was at liberty he should be able to go over to France, time enough to have a personal conference with Richard. At last, being set at large, he was making preparations for passing over to France, when he was put

But the arrogance of that prelate became now intolerable to the English nation. He was, according to Matthew Paris, among the laity more than a king, among the clergy more than a pope. He had taken from the bishop of Winchester the castle of that city, and the sheriffdom of Hampshire, to both which he was restored, upon his applying to Richard. Many other acts of oppression were by him daily committed, but passed over because of the inability of the injured to procure redress. As he had purchased his power, so he prostituted his justice (1). Being armed with the spiritual sword, as legate, and the temporal, as regent of England, his insolence swelled beyond all bounds. He was attended by no fewer than fifteen hundred horse, and the expence of entertaining him one night, proved fatal to the circumstances of any private subject in England for three years. He numbered, among the domestics who waited on him at table, the sons of the noblest blood in England, whose families thought it an advancement to be matched with the most remote relations of his. No land was saleable which he did not purchase; no church living was vacant which he did not retain; and no castle, or estate, which he did not master by the force either of threats or corruption.

Longchamp's insolence.

Nothing but the reverence which the English had for the person of Richard, and for the sanctity of his expedition, could have kept the people within the bounds of their duty, while provoked by such a monster of insolence. The nobility, however, proceeded with great decency; they threw their eyes upon earl John, who by this time had returned to England. That ambitious prince, pleased with an opportunity of becoming virtuously popular, listened to their grievances, and patronised their complaints; but the unanimous opinion was to proceed no farther than a dutiful remonstrance to the king upon

Discontent of the nobility.

(1) Legationis officium, quod mille fufis argenti libris adquisierat, adeo immoderate peregit; ut omnibus Angliæ ecclesiis tam conventualibus, quam cathedralibus, fieret onerosus. Siquidem mille & quingentis per Angliam evectus equitatus, clericorum stipatus catervis, militumque vallatus agminibus; omnia fere, quæ episcopali reverentiæ congruunt, præterlites se æstimantes, quos familiares habebat. Non fuit terra venalis, quam non emeret, ecclesia vel abbatia vacans, quam non daret, aut retineret: custodia castellorum aut villarum, quam vel metu vel pretio non obtineret. Matt. Paris, p. 114.

A. D. 1190. the state of the nation and his government.

Richard goes to Messina.

Richard had continued for eight days inactive at Marseilles; a delay mortifying to his impetuous spirit. As he conjectured the cause of his fleet's not arriving, and not knowing when it would, he hired twenty galleys, and ten large vessels, by our historians called buffes, in which he embarked with his retinue; and, after touching at Naples, (1) he passed by land to Salerno, from thence to the priory of Labanarie, and then passed the strait of Messina. By this time his fleet had sailed to Marseilles, where they received orders for a general rendezvous at Messina; to which they accordingly repaired, and found the king of France with his fleet there ready to join them.

Different characters of Philip and Richard.

Very different were the characters of Philip and Richard. The former was a prince of great composure and gravity; his resolution tempered by prudence, but his prudence attended with a deep dissimulation, which gave him vast advantages: for though he was as susceptible as any man, either of injury or affront; yet he knew how to put up with both, till he could resent them with effect, which he seldom failed of doing. As he was brave, so he was reserved; as a king he was magnificent; as a man he was frugal, not to say, penurious. He had undertaken the expedition in a fit of devotion, and was resolved to perform it, because he had undertaken it; for it is more than probable that, even before he left Europe, he was convinced of its being foolish and impracticable. The madness of the age, however, not dispensing with inactivity, or even coldness, in that service, he wisely resolved not to dissipate his force before he had entered upon the purpose he had laid down.

Richard's great magnificence.

Richard, on the other hand, was now in that point of life which his soul desired: fighting was both the means and the end he proposed, no matter with whom, so he did but fight; and therefore, when he did not find, he was resolved to create, an enemy. Being now at the head of a vast army, of like dispositions with himself, he behaved with invidious arrogance. His magnificence was fastidious, and his courtship of popularity among the army was below a king. Vinisau, an author who has wrote an account of this expedition, and was then in Richard's train, tells us, that the islanders had a very contemptible opinion of Philip's modesty and plainness, after they saw the prodigious pomp and magnificence with which Richard entered their harbour. Upon his landing, he was received by the king of France, and both those monarchs had a

conference together for some time. It appears, that Philip pressed the English king to lay aside all secondary considerations for the main one, and immediately to proceed on the expedition. But this advice was by no means to Richard's liking; and fortune now threw into his way an adventure, in which he had an opportunity, with some colour of right, to gratify his passion for fighting.

William king of Sicily, who had been married to Joan, a princess of England, daughter to Henry II, was by this time dead without issue; upon which, Tancred, natural brother to William, seized the throne of Sicily. Richard, who was then in bad terms with the pope, Tancred's enemy, did not pretend to concern himself about the succession to that crown; but Tancred having put the queen dowager, the king's sister, into a sort of confinement, and at the same time refusing to put her in possession of the moveables and treasure to which she had pretended to have a right by the death of her husband, Richard, in the first place, demanded her liberty, and, in the next place, the money and effects. Tancred, who had but a very indifferent character, immediately complied with the former demand, and the lady was sent from Palermo to Richard at Messina, with a very splendid convoy. It is probable that Richard's other demands, though not immediately granted, were not absolutely refused, by Tancred. But this was not sufficient; for the very day after the arrival of the queen dowager (Sept. 30.) he seized a monastery of the Grisons, which was strongly situated on a rock between Messina and Calabria, and converted it into a place of arms. Soon after, he took possession of another strong castle, called Labanarie, which he gave the possession of to his sister, with a strong garrison.

Richard seizes a Sicilian monastery.

Those violences could not fail of alarming Tancred, as the dispositions made by Richard seemed to threaten his crown itself. It was therefore no wonder if he gave orders that the English should be strictly observed in Messina. Besides the more general reasons he had for this step, some particular ones concurred. The English soldiers encouraged by the disposition of their king and their officers, had behaved with great insolence in the city, and had so thoroughly exasperated the townspeople, that they were ready to expel them though they had not had their prince's orders. Our own (2) historians have spoken of those insolences in such terms that we may easily see our countrymen were the aggressors. At last matters came to such a height, that a scuffle happened in the street between the English and the townsmen,

(1) In which passage lying at anchor (on occasion) in the mouth of the river Tyber, not far from Rome, Octavianus the bishop of Ostia repaired unto him, desiring him in the pope's name, that he would visit his holiness, which the king denied to do, laying to the pope's charge many shameful matters touching the Romish simony and covetousness, with many other reproaches; alledging that they took seven hundred marks for consecration of the bishop of Mains, fifteen hundred marks for the legantine power of William bishop of Ely, but of the archbishop of Bourdeaux an infinite sum of money, whereupon he refused to see Rome. Thus after sundry accidents and comings on land, hearing that his navy was safe, he sailed for them by the way, and then came to anchor not long after (to wit the 23d of September) before the city of Messina, with so great a shew of power, and sound of warlike instruments and other signs of majesty, in the sight of Philip and his French, and many other nations there assembled, that it struck horror into the inhabitants, saith Hoveden, and moved no small envy in the hearts of his confederates. Speed.

(2) Hoveden has indeed given us several instances of insolence in the Sicilians towards the English; but these all happened after Richard had seized the monastery and the castle.

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which produced great consequences. For Philip, who was incessantly pressing Richard to be gone upon the expedition, was, at that very time, endeavouring to make all matters up; and in such a manner, as that Richard could have no farther pretexts for delay. But while they were in conference together, the noise of the tumult reached their ears; and Richard's martial ardour kindling within him, he immediately broke off from the conference, sprung to his arms, and ordered his guards to turn out. The king of France was in great perplexity how to behave on this occasion; but took the wisest and most moderate part, by ordering his men to continue neutral as much as possible; but to favour the Sicilians rather than the English. In this he is not to be blamed, notwithstanding all our historians have insinuated. Tancred was his friend and his ally; whose crown was threatened by the king of England, perhaps, as he thought, without just provocation; and he had every thing to dread for himself, from Richard's power and insolence. The latter, however, joining his soldiers, who were still maintaining a doubtful combat with the townsmen, at last carried the fray into a compleat victory: for, after a great slaughter of the citizens, he mastered the town, and raised his own colours on all its battlements, not excepting even that part which was allotted for the quarters of the king of France.

and takes Messina.

His insult upon Philip.

He is obliged to give up the city to the custody of the templars and hospitallers.

Vimlauf.

Richard's accommodation with Tancred.

This superlative insult drove Philip beyond his usual moderation. It was an affront to majesty itself, and such as, he knew, Richard would not be supported in, even by his own noblemen, many of whom held possessions under the crown of France; while they all knew, that in that quality he was Richard's superior, as duke of Normandy. Some very warm words therefore passed between the two kings on this occasion; but the great men on both sides interposing, Richard was, in some measure, compelled to give up, not only that point, but his conquest itself, which undoubtedly was attempted contrary to the law of nations; and, to use the expression of a blunt, old historian, was made in a shorter time than any priest could chant over morning service. The king of France's ensigns, therefore, were hoisted upon the battlements of his quarters, and the city itself was delivered into the custody of the knights templars and hospitallers, who were to keep it till a final accommodation was made with Tancred.

It does not appear where this prince, at that time, resided; but he was soon sensible that he had no other safety, but to seem to yield to Richard's demands, which were, That he should permit his sister to enjoy the dower settled upon her by king William of Sicily, her husband: That she should have the gold chair, according to the custom of the queens of that country; also the gold table, twelve foot long, and one foot and a half broad; and two golden trestles belonging to that table; and a silk tent, in which two hundred knights might be

entertained; and twenty-four silver cups, and so many silver dishes; and sixty thousand measures of wheat, and as much barley, and wine accordingly. One hundred galleys armed, with their whole furniture, and victuals for the mariners, or galley-men for two years. All those demands, however, were compromised upon the following terms: That Tancred should pay to Richard twenty thousand ounces of gold for his sister's dower, and twenty thousand more for an acquittance of all his claim to the moveables left by the late king of Sicily, as Richard pretended, to his father Henry II, in whose right he claimed them. It was likewise agreed, that Tancred's daughter should be married to Arthur the duke of Brittany, posthumous son to Geoffrey, Richard's brother; in consideration of which match, Tancred was to pay down twenty thousand ounces of gold more to Richard. Tancred was at this time under apprehensions of an invasion both from the Saracens, and from Italy. This perhaps disposed him the more readily to pay down such exorbitant sums; but he received, at the same time, another valuable consideration: for he not only procured the king of England to become guarantee for the possession of his throne, but his nobility to swear, that Richard should defend him with all his force against all attacks, which, if he neglected to do, they engaged to deliver themselves up prisoners to Tancred.

By this stipulation we may perceive, that a resolution had been already secretly entered into, between Tancred and Richard, that the latter should pass the winter in Sicily. This was by no means to the liking of the king of France, who quickly had greater cause of uneasiness; for it was now no secret that Richard had cast his eyes upon Berengera the princess of Navarre, and that he had sent for that lady and his mother to Messina. This incident gave a favourable opportunity to the cunning Sicilian prince for blowing the flames of discord between the two kings. He therefore put into Richard's hands a letter, which he pretended he received from the king of France, in which the latter called him a traitor; and offered to assist Tancred with all his forces, if he would set upon him by night, and cut him off, with his whole army. Richard, whose head was not at all turned for intrigues of this kind, treated the information with a noble contempt; but could not help discovering a great deal of reserve in his behaviour towards his brother of France. Philip, who sincerely desired, if he could, to live upon good terms with Richard, at least till their joint expedition was over, enquired into the reason of this alteration; and Richard very frankly put into his hands the letter he had received from Tancred. As Philip was conscious of no such intention, he very justly looked upon the whole as a stratagem of Richard to have a plausible pretence for breaking with him, and of failing in his engagements with his sister the princess Alice. He publicly declared, that those were his sentiments;

Stratagem of Tancred to divide Richard and Philip.

A. D. 1191. and that if Richard should ever marry any other woman during his sister's life, no consideration should ever prevent him from being his mortal enemy.

Accommodation between those two princes.

Richard proves that Alice had a child by his father.

Richard, upon this, behaved with great openness and generosity. He avowed and repeated the conversation he had with Tancred, without denying his engagements with the princess of Navarre; but, at the same time, acquainted Philip, that he could not, without incest and dishonour, marry his sister, since, as he was ready to prove beyond all contradiction, she had lived in a criminal correspondence with his father Henry, to whom she had actually born a son. Though this intelligence was very mortifying to Philip, yet Richard produced evidences too unquestionable to suffer him to doubt of its truth. But there was a great point of property concerned; for Richard was actually possessed of a vast estate, which he had received from the crown of France, upon presumption of the marriage taking effect. Besides, Richard was under solemn engagements to Philip that he would marry none but Alice. This difficulty was compromised in the following manner: He engaged to deliver up Gisors, with all the rest of the young lady's fortune; and likewise to pay Philip a subsidy of twenty thousand merks a year for five years, upon his being acquitted of all his engagements, and at liberty to marry whom he pleased. But those terms were soon set aside, though ratified by both princes and their nobility. They proceeded next to other regulations, which were to be observed in the course of the expedition, and renewed all their former conventions on this head; adding many new articles, particularly with regard to the share of the goods which the adventurers engaged in the expedition should die possessed of; one half of which were to be put into the hands of the archbishop of Roan, and other commissioners, to be applied in the service of the common cause.

His generosity to Philip.

Richard passed his Christmas at Messina, and stood now upon so good terms with Philip, that he not only splendidly entertained him; but, according to our authors, divided with him half the immense sums he had got from Tancred: and, as he ever was in extremes, he lavishly dissipated among the other French great part of the treasures he had fleeced from his own subjects. It is true, Richard had his ends in all this profusion, which was to bribe Philip to admit of his longer stay in Sicily. For, in the beginning of February, Richard received an account, that his mother and the Navarrese princess were arrived at Naples; upon which he ordered his galleys to attend, and bring them to Messina, where they arrived the last week of March, 1191. The day after their arrival, Philip, being incessantly importuned by the Christians, who were carrying on the siege of Acon, took leave of Richard, who attended him to his ship, and in two and twenty days reached that city.

Queen Eleanor and the princess Berengera arrive in Sicily.

It was more than a mere matter of compliment and form that prevailed with Elea-

nor, at that time of life, to undertake so painful a journey as that between France and Naples by land. Matters were by this time come to extremities in England; and though earl John and the nobility had addressed Richard by writing, and laid before him the circumstances of his kingdom; yet it was very uncertain what answer he would return. This was a point which could be managed by none but the queen mother; and to her advice, probably, it was owing, that affairs took the turn they afterwards did in England. For Richard, at the same time, receiving the representations of his brother and noblemen, that, together with the queen's remonstrances, opened his eyes, and he sent over the archbishop of Roan, William earl mareschal, whom, with Geoffrey Fitz-peter, Hugh Bardolf, and William Briwere, he constituted joint justices with Longchamp by charter; at the same time expressly restricting him from acting any thing without their advice. He farther added, that if the said chancellor should, either in matters of revenue, or public justice, assume to himself any power independent of those noblemen, and persist therein, that they should then act without him, and their proceedings should be valid.

Richard appoints a new regency in England.

Diceto.

But when the bishop and the earl arrived in England, they found that Longchamp had possessed himself of all the places of strength in the kingdom; and that, in fact, he was as absolute as the king himself, treading on the necks of the nobility, and trampling on the laws of the country. The repeated instances he had given of this, rendered those two noblemen very cautious of discovering their commission. At first, therefore, they imparted it only to earl John, with the nobility in his interest, who having now the king, or at least his charter, on their side, laid hold of a fair opportunity, which happened then to present, to humble the pride of the overgrown prelate. For one Geoffrey de Camville, a nobleman of great interest, among other purchases, had, before Richard's departure, bought from him the castle of Lincoln, with the sheriffdom of that county; and, being a man of spirit, refused to deliver them up to the chancellor, who demanded them. Upon this, the chancellor raised forces, and laid siege to the castle, just about the time that the archbishop and the earl arrived in England. Camville, upon this, threw himself upon the protection of earl John and the rest of the nobility, who raising an army, surprized the castles of Nottingham and Tickhill, and demanded of the chancellor to raise the siege of Lincoln. At the same time they published to all the nation the import of the king's new commission; and Longchamp, who was a coward in his heart, was so terrified, that he consented to an accommodation, the terms of which I shall give the reader, because it is the only authentic record of that time, by which any judgment can be formed of the state of the particular differences between the two parties. The agreement was as follows:

Great abuse of government in England by Longchamp at this time.

Accommodation between him and the noblemen.

A. D. 1191.
Brady, Hove-
den.

Be it known unto all men, unto whom this present writing shall come, that the controversy between the earl of Moreton and the chancellor, by the mediation of the archbishop of Roan, the bishops of Durham, London, Winchester, Bath, Rochester, and Coventry, and other of the king's liegemen, was compounded upon these terms :

That the castles of Nottingham and Tickhill, which the earl had taken, should be restored to the archbishop of Roan, for the king's use; and that Nottingham should be kept by William Marshall, and Tickhill by William Wendeval, until the king's return, and then they were to be disposed of according to his direction. But if the king should die in his peregrination, then the castles were to be re-delivered to the earl without delay. And if the chancellor shall offend against the earl, and will not mend his offence, according to the advice and judgment of the archbishop of Roan, and other of the king's servants, that is, the justices, and of his court, then, without delay, those castles shall be restored to him.

Also the other castles belonging to the honours given him by the king, which were in the keeping of the king's liegemen; that is, Wallingford, in the custody of the archbishop of Roan; Bristow, of the bishop of London. The castle of Pec of the bishop of Coventry; Bolsover, of Richard de Pec: the castle of Ey of Walter Fitz-robot: the castle of Hereford in the custody of earl Roger Bigod: the castles of Exeter and Launceston, of Richard Revel; who were all sworn to keep them faithfully to the king's use, and if he should die to render them to earl John.

Also the three castles belonging to the king's crown: Windfor was to be delivered to the earl of Arundel; the castle of Winchester to Gilbert de Lacy, and Northampton to Simon Pateshal; faithfully to be kept for the king's use.

Also it was agreed, that the bishops, abbots, earls, barons, vavasors (that is, knights) and free tenants, should not be disfeised of their lands or goods at the pleasure of the justices or king's ministers, but by the judgment of his court, according to the lawful customs and statutes of the kingdom, or by the king's mandate; and the like the lord John shall cause to be observed in his lands and possessions; and if any one presumes to do otherwise, at the request of the earl he shall be punished or fined by the archbishop of Roan (if in England) and by the justiciaries, and such as have been sworn conservators of the peace; and in like manner the lord John shall punish and fine at their request.

The new castles which have been built or begun since the king went beyond seas were to be demolished, nor any other to be raised any where, unless it should be thought fit to do it upon the king's demesnes, unless some famous person might do it by the king's com-

mand signified by his brief or letters, or an unsuspected messenger.

The refeisin of the sheriffwic of Lincolnshire shall be given to Geoffrey de Camville, and the same day he shall have a time set of standing to the judgment of, or appearing in, the king's court, and if it could be made appear he was to lose the sheriffwic of the castle of Lincoln by the judgment of the king's court, he was to lose it; if otherwise, he was to keep to it, unless some other agreement could be made.

Neither was the lord John to protect him contrary to the judgment of the king's court, nor receive any outlaws, nor any of the king's enemies which were named to him; or permit them to be received in his lands. But if any one was accused of any forfeiture made to the king, the earl might lawfully receive him, so long as he offered himself to stand trial in the king's court.

Those articles were sworn to, each with his hands between the archbishop of Roan, and by seven barons on each side. Their names as follow: on the chancellor's part the earl of Arundel, the earl of Salisbury, earl Roger Bigod, the earl of Clare, Walter Fitz-robot, William de Braiosa, Roger Fitzrainfrai. On the earl's part Stephen Ridel his chancellor, William Wendeval, Robert de Mara, Philip de Wirscestre, William de Kahannes, Gilbert Basslet, William Montacute.

But, notwithstanding this agreement, the weight of interest which the chancellor had acquired with the military men of the nation, still buoyed up his fortunes, till he split upon a rock, on which he was driven by his over-bearing ambition. Among the other favours which Eleanor had obtained of her son, while at Messina, one was, his consent to the consecration of his brother Geoffrey as archbishop of York. That prelate, being accordingly consecrated by the bishop of Tours, pretended, with what reason I shall leave the reader to judge, that the king, by consenting to his consecration, in fact dispensed with his oath of absence; since it was absurd, that he should suffer him to be consecrated into so important a see, and yet debarred from attending the duties of his function. Upon this, or some other pretence, he prepared to return to England. But the chancellor, hearing of this, sent him an express command against setting his foot on shore, because of the oath he had taken. But the chancellor being now no more than one of the regency, and the like prohibition not coming from all, or the majority, of them, Geoffrey disregarded it, and landed at Dover in the month of September. The chancellor, hearing of his arrival, ordered him to be seized; but Geoffrey escaped in disguise, upon a swift horse, and took refuge in a church, from the altar of which he was forcibly and ignominiously dragged, in his pontifical vestments, and, like a plebeian criminal, committed to prison within Dover castle.

Manner of
confirming
those articles.

The dispute
revives on ac-
count of the
archbishop of
York.

who is dragg-
ed from an
altar to pri-
son.

This

A. D. 1191.

This act of sacrilege and violence, on the person of so great a subject, gave great advantages against the chancellor, who soon perceived he had gone too far. Earl John demanded the liberty of the archbishop his brother, which Longchamp granted with as much meanness as before he had acted with madness. Geoffrey, being now confirmed the sworn enemy to Longchamp, posted up to London, and laying his injuries before the noblemen, it was their unanimous opinion to proceed against the haughty prelate by the forms of law. For this purpose, he was summoned to appear before the king's court, there to answer for his misbehaviour both to the archbishop of York and the bishop of Durham. The chancellor was at this time in possession of two important forts, the castle of Windsor and the tower of London; but it continued very uncertain in what manner the city of London would declare itself. Both parties therefore applied to win over that city; the earl by acts of friendship, and the chancellor by menaces of destruction. The citizens appear to have been very wary how they embarked with either party, and were willing to see whether the chancellor would stand to the award of the king's court. Upon his disobeying one summons, another was issued; and the archbishop of Roan, by consent of the rest of the regency, appointed him an express day to answer at Reading, at which they chose to hold the parliament, not thinking themselves to be in safety as yet in London. The meeting was very full, being composed of all the noblemen, both spiritual and temporal, then in the nation; and the chancellor not making his appearance, earl John set out for London, that he might determine the citizens there in the part they were to act. The chancellor, resolving to be there at the same time, set out from Windsor; and their two retinues falling in with one another on the road, a skirmish ensued, in which one of the earl's knights was killed; but the chancellor himself was obliged to fly, with great precipitation, to the tower of London.

The citizens
of London
courted,

and join with
the earl.

Earl John had all the success with the citizens he could desire, upon his undertaking, in the name of the other noblemen, to confirm to them the free enjoyment of their rights and privileges. A parliament therefore was held on the 10th of October, at which the citizens of London assisted, and a formal charge was exhibited against the chancellor for the injuries he had done to the archbishop of York and the bishop of Dur-

ham, and for his arbitrary proceedings in all acts of government. The archbishop of Roan, and the earl mareschal, then produced their commissions, under Richard's hand, by which they were associated with him in the government, with even a power of deposing him if his actions should prove detrimental to the state. Every thing being thus made out to the satisfaction of the assembly, their unanimous opinion was, that the chancellor should thenceforth be deprived of all share of public concerns, and that the archbishop of Roan should be entrusted with the seals.

A meeting of
the states, in
which the
chancellor
deposed.

This resolution being passed, earl John, with the rest of the nobility, proceeded to a solemn confirmation of what they had already promised to the city of London; and the citizens, upon this, swore an eventual fealty to the earl, in case of failure of heirs male in Richard. This oath is extremely remarkable, and not to be justified upon the strict principles of hereditary right. But the Norman kings themselves had set many precedents of the same kind; and it is possible the nation, at this time, thought they had a right to provide for their own safety, by setting aside, in case of Richard's demise, young Arthur, whose minority must be attended with great convulsions to the state. The chancellor, seeing this unanimity of all ranks of men against him, felt his power melt, like snow, in his grasp. He saw the insects which had been hatched by the summer of his greatness, disappearing in this winter of his fortunes; and, as impotence of mind seldom knows any medium, he fell from the height of insolence to the depth of humiliation. He now poorly bargained for personal safety, without having the spirit to make one struggle. He immediately resigned into the hands of earl John the tower of London, the castle of Windsor, with some other forts, and swore to deliver up all the rest of the castles he held in England into his hands. He was then sunk almost below contempt itself; for being haunted by guilt, he fancied enemies where none were, and fled while no man pursued him. His soul was so much possessed with those frights, that, putting off the habit of a clergyman, he disgraced that of a woman; but being discovered endeavouring to make his escape in this disguise, after being severely pelted by the enraged populace, he was committed to prison, till earl John's farther pleasure should be known (1).

His meanness.

He is taken
in a woman's
dress.

Nothing could happen more contrary to

(1) Hoveden has given us a long epistle of Hugh de Nunant bishop of Coventry, wherein he sets forth the insolent and arbitrary proceedings of the bishop of Ely; and how, after his deposition, he went to Canterbury, and there laid down the cross of his legantine power, and took upon him the crusado to go to the Holy Land; and from thence went to Dover, where staying a few days in the castle, with the constable his kinsman, he resolved to go over beyond seas; but fearing to be again seized, if he were known, he disguised himself in woman's habit, and taking a web of linen cloth, with an ell under his arm, as if he were a linen pedlar, went down and sat by the sea-side upon a rock, expecting a boat to carry him on ship-board: but, whilst he was there, a seaman coming that way by chance, and, taking him for a woman, went about to kiss him; and then offering at farther indecencies, thereby discovered that he was a man, yet said nothing of it. A little while after, a woman coming that way, she began to cheapen the cloth he had in his hand; but he could make her no tolerable answer, because, being a Frenchman, he understood but little English; more women also coming in, and finding that he would not speak to them, pulled up the hood with which he covered his face, and then presently saw his black beard, though newly shaven. Upon which, crying out to certain men that were not far off, they came running in, and laying hold of him, and banging him soundly with their fists, they dragged him through the dirt, and put him into a dark cellar, till they had made earl John acquainted with their proceedings. Tyrrel, vol. ii. p. 506.

A. D. 1191. that prince's intentions, than that the deposed chancellor should remain in England; he, therefore, immediately sent off dispatches to set him at liberty, which was accordingly done the eighth day of his imprisonment. Arriving in Normandy, orders came from the archbishop of Roan to treat him as an excommunicated person, because of the sacrilege he had been guilty of on the person of the archbishop of York. Finding therefore no refuge there, he went to Paris, from whence he sent a state of his case to pope Celestine. But it is now time to return to Richard.

He goes to France.

After Philip's departure, queen Eleanor resigned her charge of the princess of Navarre, and then set out for France, by the way of Rome. Soon after this, Richard made an edict with regard to shipwrecks, which was to the following purpose:

Richard's regulations with regard to wrecks.

"That, for the good of his own and his parent's souls, every person that suffered shipwreck, and got safe on shore, should enjoy all his goods; but if he died on shipboard, his children, or other nearest relations, were to have the goods, according as they could make out their being next of kin; but if they had no heirs, nor no near relations, then the king was to have their goods."

[See p. 438.] From this ordinance it appears, that the law of Henry I, in favour of shipwrecks, which was repealed by Stephen, but, in some measure, restored by Henry II, was by this time either neglected or abolished; and that the practice towards those unfortunate persons was very barbarous.

He sails from Sicily. His fleet dispersed, and his sister, with the princess Berengera, driven upon Cyprus, where they are barbarously used.

Every thing was now settled for Richard's departure; and the treasure he had received from Tancred had enabled him to make great additions to his fleet, which now consisted of one hundred and fifty sail of large ships, and fifty-three well-armed gallies, the queen dowager of Sicily and the princess Berengera being on board a large vessel, called the Royal Bussé. About the latter end of April he set sail; but a storm separated his fleet: he himself, however, got to the island of Crete, where he remained for ten days in great disquietude for the arrival of the rest of the vessels, and particularly the Bussé, which carried his mistress and sister. At last, he learned that it lay off the port of Limozun, in the isle of Cyprus; that two of his best vessels, carrying some of his principal domestics and officers, had been wrecked near the same port; and that the barbarous tyrant of the island had imprisoned the persons, and seized upon the goods of all who survived the wreck, whom he treated with the utmost barbarity. Richard's fleet, by this time, had rejoined him; he instantly set sail to their relief. He found the accounts he had received to be true: the queen and princess were in a miserable condition, chusing rather to suffer the rigours of winds and tempests, than trust to the mercy of a perfidious tyrant. Richard had now a fair and a justifiable opportunity

NUMB. L.

A. D. 1191. of displaying his courage. He summoned the tyrant, whom our historians term emperor, to give up the prisoners, and their effects; but in vain. Richard, thinking glory would be too cheap, if conquest was purchased on equal terms, instantly ordered his soldiers to follow his example, called for his arms, jumped into a boat, rowed toward the strand, and was himself the first who leaped on shore, amidst a cloud of arrows and missiles discharged from the enemy's army, which was drawn up on the opposite banks. By this time part of his army supported him; and the Cyprians, after a furious attack, fell into so total a rout, that Richard and his soldiers entered the city of Limozun along with the flyers, and reared the colours of England upon its bastions.

The Greeks in general were, at this time, more effeminate than the Persians had been under Darius. Luxury had so molified their manners, that their mighty empire perished without any noise attending its fall, almost without efforts for its preservation, by a small handful of desperate, half-armed Saracens. The Cyprians were, of all Greeks, the most effeminate. Richard knew their character, and nothing could fall out so fortunately to flatter his vanity as this adventure. Ordering, therefore, a small party of foot, and no more than fifty horse, to land, he attacked the whole army of the Cyprians next morning; and, according to Vinisau, unhorsed and almost killed their emperor; and, notwithstanding all the odds of their numbers, obliged them, after a great slaughter, to a precipitate retreat, Richard killing, with his own hand, the imperial standard-bearer, and taking his standard. The pursuit lasted for two miles, and Richard's soldiers, upon their return, seized on the camp of the enemy, together with the imperial tent, in which they got a prodigious booty. About three days after, Guy king of Jerusalem, with other princes who had been adventurers in the Holy Land, arrived at Limozun, and, according to Hoveden, did homage to Richard; but for what reason, unless for their French possessions, I cannot understand. In the mean time the Greek emperor offered Richard twenty thousand merks of gold for the surrender of all his prisoners, with their effects; a thousand soldiers, commanded by himself, to assist in the expedition; and to swear fealty, and hold his empire of him, provided he would cease all farther hostilities. He offered, at the same time, to put his daughter, and several of his strongest castles, into Richard's hands, as security for his performance of the agreement. Those terms were both glorious and advantageous to Richard, and by him accepted. But next day, by the suggestions of a treacherous Norman soldier, according to Vinisau, the emperor refused to stand to the agreement, and shut himself up in the city of Famagusta, the strongest fort of his dominions. Richard was incensed at this conduct; and the same prince having behaved with repeated acts of treachery to former adventurers, the king of Jerusalem and his retinue took care to improve his resentment.

History of Richard's conquest of that kingdom.

Richard defeats the Cyprians.

He makes a peace with them;

which is broken by their emperor.

A. D. 1191. **The Cyprians** **attacked by** **sea and land.** resentment, by representing, that they could never hope for success, without seizing the person of so perfidious a prince. Richard, who was of himself prone enough to follow this advice, ordered the rest of his army to land, and dividing it into several bodies, commanded them to advance into the country in quest of the emperor. At the same time he himself went on board one part of his navy, and gave the command of the other part to Robert de Turnham, and each set out on separate courses, with an intention to intercept the emperor, should he attempt to make his escape by sea, and to reduce his ports on the sea-coast. In the latter part of their design they met with very little difficulty; for all the governors of the cities and castles on the sea-coasts, except Famagusta, submitted without resistance; and Richard, in a few days, returned to Limozun, where the cares of ambition now gave way to that of love; his marriage with the princess Berengera being now celebrated with as much pomp as the circumstances of his affairs could admit. The Greek emperor all this time remained shut up in Famagusta, which, some days after Richard's marriage, was invested by sea and land; but the degenerate prince had before abandoned it, and was hunted from place to place, from castle to castle. At last, seeing Richard in possession of his daughter, his riches, and his country, he came, in a mournful habit, and an abject manner, and threw himself at the conqueror's feet, without any other previous stipulation than that he should not be put in irons. But this we are told Richard ungenerously evaded, by delivering him over, loaded with silver fetters, to the king of Jerusalem, while his daughter was committed to the custody of queen Berengera.

The emperor **Isaac surrenders,** **and is** **put into silver** **fetters.**

Richard leaves **Cyprus.**

State of the **Christian** **army.**

Character of **Saladine.**

The cowardice of his enemies thus giving wings to Richard's conquest, he had but just time for settling his affairs in Cyprus, that he might come to the assistance of his associated adventurers, who were then under Philip, pushing the siege of Acon. Finding himself pressed, therefore, by repeated messages from Philip, he appointed Richard de Camville and Robert de Turnham to be governors of Cyprus, and then set sail with all his fleet towards Acon, on Thursday in Whitsun week.

The siege of this place was one of the most celebrated in this, or any other, age. Like that of Troy, it was undertaken on a frivolous account; like that, it was carried on by great princes from distant climes, confederated by a common principle, not of friendship, but of enmity; and like that, its long resistance was owing not more to courage in the defenders, than to animosities among the assailants. Saladine, more amiable, more brave, more fortunate in his real character, than Hector is drawn by the poet, was then emperor of the Saracens. Perhaps no pen can do more justice to the character of this prince, than by observing, that though he was the determined and successful enemy to Christians, whose attempt was a reproach to Christianity; yet have his virtues been trans-

mitted even by the enthusiasts of the times, and they yet shine through all the mists of superstition and ignorance. Such was that great man, who at this time kept the besiegers shut up, and themselves besieged, by an amazing disposition he had made of his troops; so that, had it not been for the fortunate arrival of the English monarch, the Christians must have surrendered at discretion, upwards of two hundred thousand of them having already perished before the walls.

Richard, in his voyage to Acon, had met with, and sunk, a great Saracen vessel, laden with warlike provisions, for the relief of that city. This gave a seasonable check to the vigour of the besieged, who could receive no supplies by land from Saladine. The arrival, therefore, of Richard gave new spirits to the confederate princes, as it promised them both deliverance and conquest. He was welcomed into the Christian camp by Philip in person, and ordered his tents to be pitched as near to the city as possible. The change of air, however, had such an effect upon him, that he fell sick; so that Philip took upon him the command. Famine had, for some time, raged in the Christian army, and, as usual, was attended by pestilence. Somewhat therefore was to be done for preventing their total destruction. A general assault was therefore agreed upon; but no sooner did the Christians attack the town, than Saladine attacked them; and though the assault was very furious, yet they were obliged to draw off, with great loss, from the town, to make head against the Saracen prince, who was now insulting their very camp. It would be foreign to my design to recount the whole particulars of this desperate siege; it is sufficient to say, that the French having lost all their battering engines, those of Richard were employed with so good success, that the besieged were reduced to ask for permission to consult Saladine, whether he would give them leave to capitulate. As the garrison was now reduced to no more than six thousand men, and as that wise prince was sensible that the inclemency of the climate and season, with the difficulty of subsistence, must soon rid him of all future apprehensions from the Christians, he gave leave to the garrison to make the best terms they could, which, according to Hoveden, were as follow:

Richard comes **to the siege of** **Acon.**

The city **forced to ca-** **pitulate.**

I. That Acon should be delivered up safe, with five hundred Christian captives that were therein. **The terms of** **the surrender.** **Hoveden, Bra-** **dy, Tyrrel.**

II. That the true cross of Christ should be restored, which had been before taken by king Saladine.

III. That, of all the Christian captives whom Saladine had taken, three thousand (Vinisau says but twenty-five hundred) chosen by the two kings, should be delivered.

IV. That the Turks should carry out nothing with them but their cloaths.

V. That, for the redemption of their heads, they should pay two hundred thousand bizantines, and they themselves should remain

A.D. 1191. remain still in custody. And that if these articles were not made good within the space of forty days, they should be wholly at the king's mercy for their lives.

Richard's insolence,
The town being thus delivered up, each prince had a separate quarter allotted him for his possession; and, among others, Leopold duke of Austria, the head of a house, which, from small beginnings, now made a figure in Europe, ordered his banner to be reared in the quarter allotted to him. Richard, resenting this, perhaps as an indignity, that a prince, who was but of new nobility, should assume the distinctions of a crowned head, ordered his followers to pull it down, and treat it with the utmost indecency. This was resented by Leopold in remonstrances, which Richard disdained, and thereby greatly irritated the Germanic princes. Their resentment was heightened, when, soon after, they saw Philip and him dividing between them the spoils of the city, without allotting to them the shares to which they thought they were entitled.

Difference between Richard and Philip.
A misunderstanding happened at this time, between the two kings, of France and England, on account of the dispute between Guy of Lusignan, and Conrade marquis of Montferrat, in which Richard took part with the former, and Philip with the latter. However the affair was carried decently on both sides; and it seemed to be agreed, that Guy should enjoy the crown of Jerusalem, which was little more than titular, during his own life, and that Conrade should succeed him. But heartburnings still continued between the two monarchs, and Philip, who was as self-interested as the other was arrogant, easily perceived that it was in vain to think of completing the design of their expedition with such a colleague as Richard. One great obstacle, however, lay in his way, which was, that both he and Richard had sworn, that neither should abandon the expedition without the other's consent. About this time, likewise, he had received accounts of the death of the earl of Flanders, by which the county of Artois fell to his crown, so that his presence was necessary in his dominions on that account. He therefore proposed to Richard, that he should be released from his oath, and have liberty to return home; offering, at the same time, to leave the duke of Burgundy as his general, with money sufficient for paying his troops. It was in vain for Richard to think of detaining Philip; but, for some time, he insisted upon their mutual agreement.

Richard's cruelty.
But an incident happened in the mean time, which gives us complete horror at Richard's dispositions: for Saladine, thinking that the garrison had made concessions they had no power to grant, started some difficulty in ratifying the articles of the capitulation. Upon which Richard pitched his camp without the town, in sight of the enemy, and threatened, unless Saladine should instantly perform the articles agreed on, that he would put to death all the Saracen captives who had fallen into his hands. It was

A.D. 1191. in vain for Saladine to think of diverting this barbarous resolution by rich presents and intreaties; for Richard, deaf to all, put to death, according to his own account, not less than two thousand six hundred of his prisoners, which reduced Saladine to the necessity of making the like barbarous reprisals.

Philip had, by this time, with Richard's consent, set out on his return to his own dominions, and Richard looked upon himself as the head of the expedition. Resolving, therefore, to do something worthy that great name, soon after the massacre of the prisoners, he made a general assault upon Saladine's camp, from which he was repulsed with great loss. Failing in this attempt, it was resolved, in a council of war, to march from Acon to Joppa, and to fortify all the places which fell into their hands by the way. Saladine, upon this, resolved to take advantage of their march, and attack them. We have, from Richard's own hand, an account of his march from Acon to Joppa, in a letter to the abbot of Clarevalle, as well as in a circular epistle which he wrote to his bailiffs and friends in Europe. I shall give some extracts from the former, as I do not ever remember to have seen it in English, though infinitely more genuine than any accounts we can have at second-hand.

His famous march from Acon to Joppa.
“ Upon the retreat, says he, of his majesty of France, the walls of Acon being repaired and refortified, we proposed, for the better advancement of the Christian expedition, and to complete our vow, to march to Joppa, attended by the duke of Burgundy, and the French under his command, earl Henry of Champaign, with his body, and many other earls and barons, with an innumerable multitude of people. Our march between Acon and Joppa being long and tedious, we at length reached Cæsarea, with great loss of our soldiers, and prodigious hardships. Saladine's loss was likewise very considerable in the same march; and, after the people of God had taken some refreshment, they resumed their march to Joppa. Our van-guard having, by this time, reached and encamped at Assun, Saladine made a furious attack upon our rear; but, by the help of God, was repelled by no more than four squadrons, who made head against them all. The Christian horse pursued him for a league; and Saladine that day, which was Sunday, and the eve of the nativity of the blessed Virgin, lost more noble Saracens, than he had lost in one day, for forty years. We lost only one person of note, James de Avennes. We then reached Joppa, which we fortified with a design of effectually promoting the business of Christianity; but Saladine, after the day of the battle, durst not engage the Christians, but suddenly rushed from his ambushes, as a lion from his den, and cut off the friends of the cross like sheep for the slaughter. Therefore, hearing that we were marching for Ascalon, he went thither before us, and dismantled that city.”

His own account thereof.

A. D. 1191. "city (1)." Richard then proceeds to tell the abbot, that, unless he was speedily supplied, neither he, nor his allies, could keep the field in those parts longer than Easter. Such is the account we have from Richard himself of this celebrated battle and march; and the truth is, when he arrived at Joppa, he found his army both greatly reduced and dispirited, and in no condition for completing the design of their expedition. Among the other English noblemen who died before this time, was Baldwin archbishop of Canterbury, and Ranulph de Glanville.

The luxury of the Christians.

Richard's adventure near Joppa.

Joppa proved to the Christian army, what Capua was to that of Hannibal. The noblemen and commanders, having been long inured to hardships, now indulged themselves in every species of luxury and debauchery. Their example infected their soldiers, and a fatal degeneracy every where gained ground. Richard alone indulged himself at once in war and pleasure, being equally prone to, and equally delighted with, both. Scarcely a day passed, in which the enemy, who hovered in loose parties all round the adjacent country, had not fresh proofs of his active spirit. One day, thinking himself particularly secure, he went a hawking, and, after his sport, reposed himself under a tree. A body of the Turks immediately appeared in sight, who were kept in play by his attendants, till putting himself at their head, he drove before him the infidels, who retiring with design, led him into a strong ambuscade, where all of a sudden he found himself beset with unequal numbers. Nothing now could have prevented the king from falling into the enemy's hands, but the fidelity of William de Pratelis, one of his attendants, who personating his master, called out in the Saracen language, "I am the king." The infidels believing him, neglected the ignobler retinue, and all flocking round the supposed monarch, the real one found an opportunity of escaping.

His army recruited.

While Richard lay at Joppa, fresh recruits of adventurers daily arriving, repaired the wastes which the sword and pestilence had made in the Christian army; and now he meditated a mighty enterprize, which was no less than the re-conquest of Jerusalem. It is very probable that Saladine would not have been much concerned at the loss of a place which was important chiefly through superstition in its votaries; but what he most

dreaded, was a settlement of the Christians in any part of his dominions. It was of importance to him to draw them out of Joppa; he knew that the climate and the season would aid his arms in doing the rest. It was not long before Richard met his wishes, having left a strong garrison in that town. His army, at this time, was in better condition than it had been before the siege of Acon; though our authors affirm, that no less than three hundred thousand adventurers perished before the walls of that place. Among the other illustrious English whom we find, at this time, under Richard, mention is made of the ancestors of the families of Fiennes, now lord Say and Seal; Dacres, Clinton, now earls of Lincoln; St. John, Minsul, and Tilney, with many others.

Richard leaves that place.

It was now towards the end of September; and Saladine, the more to amuse Richard, made several propositions of peace, which were generally attended by rich presents to please his avarice. But Richard, hating the name of peace as inglorious, yet being without resolution to resist the baits which Saladine threw in his way, continued for several weeks in a fatal inactivity, till the season was so far advanced, that he must act under the most discouraging disadvantages. Saladine wisely made use of this interval; by drawing his garrisons out of the less tenable places, which he demolished, and putting them in others more fortified, that the Christians might be deprived of all shelter in their march. Many encounters happened between Richard and the Saracens after he left Joppa, and he generally had the glory of repelling the enemy without great loss to himself; but had the mortification to find his army daily decreasing, by the wetness of the season, and a general desertion.

Saladine amuses him.

It was now the middle of January, 1192, before Richard reached Ascalon. Saladine, well knowing that he could undertake nothing farther that season, sent his harrassed army into winter quarters; while that of Richard had fresh labours to commence, in repairing the walls of Ascalon, which had been dismantled by the infidels. But all this time, great misunderstandings were daily happening between him and the other princes, particularly the duke of Burgundy and the marquis Conrade, who was then lying at Tyre. Ascalon, however, being repaired, he was required by Richard to march to his assistance, in the prosecution of the expedi-

Richard reaches Ascalon.

(1) Domino autem rege Francorum ad propria remeato, et ruinis, et scissuris murorum civitatis Acon, reparatis, ipsaque civitate fossata, et muro plenius firmata, ad promovendum Christianitatis negotium, et prosequendum nostri voti propositum, apud Joppen proposuimus, et nobiscum dux Burgundiæ cum Franciscanis sibi subditis, comes Henricus cum suis, et multi alii comites et barones, et populus innumerabilis ire. Cumque inter Acon, et Joppen plurimum esset spatium, et tractus viarum prolixior apud Casfaream tandem cum multo sudore gravique jactura nostrorum descendimus. Et ipse Saladinus in eodem itinere de suis quam plurimos amisit: cumque populus Dei ibidem, aliquantulum respiraret, ad Joppen propositum iter sumus prosecuti. Et nostra anteriori custodia procedente, et castra apud Assur metante, Saladinus cum vehementi Sarracenorum in cursu super ultimam custodiam nostram, impetum faciens divinæ miserationis favente gratia a quatuor solummodo turmis, quæ ei in fronte oppositæ fuerant, compulsus est in fugam; ipsumque fugientem per unam lecuam turmæ Christianorum plenæ sunt prosecutæ, tantæque stragem de nobilioribus Sarracenis, quos Saladinus habebat, die illo sabbato videlicet vigilia nativitatis sanctæ Mariæ virginis prope Assur, fuerunt, quantum Saladinus quadraginta annis transactis antea, una die non sustinuit. Nos vero de nostris gratia Dei nullum amissimus de illo die, nisi virum optimum, et suis meritis universo exercitui charum, Jacobum de Avennis, qui in exercitu Christiano per plures annos ad serviendum Deo viventi, quasi columna exercitus in omni sanctitate, et sinceritate fidei promptus extitit, et devotus. Deinde Joppen, domino ducente, pervenimus, villamque illam fossatis et muro firmavimus, in proposito habentes ubique Christianitatis negotium pro posse nostra efficaciter promovere. Post diem prædictum confusionis Saladini non est ausus Saladinus cum Christianis congregari, sed ad trucidandos amicos crucis, sicut oves occisionis insidiatur omnis in abscondito, quasi leo in spelunca sua. Audito itaque quod nos apud Ascalon maturo congressu tenderemus, Ascalon evertit, et ad terram prostravit. Ep. Rich. R. apud Hoveden.

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tion. Conrade was with difficulty prevailed upon to give him a meeting, which had no effect, the French espousing his measures; and at last the duke of Burgundy marched to him, not only with the French under his command, but ordered all the subjects of France to obey his orders.

Dispute about the crown of Jerusalem between Guy and the marquis of Montferrat.

This defection of the French quite defeated all Richard's schemes; he now saw himself left alone, and exposed in an enemy's country, and therefore had no other resource than to fortify himself as well as he could within Aſcalon. King Guy of Lusignan all this time remained in Cyprus. His title to the crown of Jerusalem was strongly disputed by Conrade marquis of Montferrat, a prince of better interest, and supported by the suffrages of almost all the powers embarked in the expedition, Richard excepted. It was easy for the latter to see, that, while this dispute remained, there could be no unanimity between him and the other associated adventurers, while, by disunion, they hazarded their own ruin, and that of the expedition. But Richard met with a yet greater cause of disquiet; for about this time he got letters from the bishop of Ely, complaining of the usage he had received, and putting the proceedings of the regency in the worst light they could admit of. This information, however partial in favour of the bishop, gave Richard to understand, that his whole system of politics was disconcerted, and that his ambitious brother, whose spirit he feared, was now at the head of the English government. But nothing gave him so great an alarm, as the oath of eventual fealty, which the city of London had taken to John, in prejudice of young Arthur. He concluded, that the same principles which broke into one part of the succession, might do the like by another; and that the setting aside Arthur, might be but a prologue to setting aside himself. About the same time he received letters from the regency, with a full state of the matter. They recriminated on Longchamp's arbitrary insolent behaviour, and told the king, that he had been put out of his office, by the common council of the nation, for impoverishing the people, and wasting the royal treasures. This letter was signed by all the bishops and barons who had consented to the deposition of the chancellor. Richard understood, at the same time, that the pope had been so far incensed at the treatment of his legate, as to command the archbishops and bishops of England to excommunicate earl John, and his adherents. This order was signified, by the bishop of Ely, as legate, to the bishop of Lincoln. But the people of England began now to recover from their late religious illusion. They saw the fatal effects of their enthusiastic zeal; they united firmly in defence of their constitution; they stood by their government; and there was not found, in England, a man bold enough to carry the sentence into execution.

Richard, informed of all this, held a council of war, where it was debated in what manner to proceed. The result was, that

the state of affairs in England absolutely required his return, and their situation where they were, that he should agree with the other princes, in making Conrade king of Jerusalem. A great deal was to be done by Richard, before the first part of this opinion could be executed; but he immediately complied with the latter. However, he indemnified Guy for the loss of a nominal, by a present of substantial, royalty; for he bestowed upon him the kingdom of Cyprus, to be held in homage of the crown of England. Soon after this, Conrade, the elect king of Jerusalem, was stabbed in the streets of Tyre, by two assassins, sent for that purpose by a Saracen prince, commonly stiled the Old Man of the Mountain. Richard's character in his own life-time, and his memory since, have suffered greatly on this head, as if he had been the author of this assassination; it is therefore but doing common justice to both to translate a letter, which I believe never before appeared in English, from the Old Man of the Mountain to the duke of Austria, on this head, since it fully clears up the reputation of an English monarch.

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He gives the kingdom of Cyprus to Guy of Lusignan.

To Leopold duke of Austria, the Ancient of the Mountains wisheth health.

Letter from the Old Man of the Mountain about Conrade's death.

" Since many kings and princes beyond seas blame Richard king and lord of England concerning the death of the marquis of Montferrat, I swear by the eternal God, and by the law which we hold, that Richard is no way to blame in this respect, and that the death of that marquis happened as follows:

" One of our brotherhood was coming in a ship from Salteleia to our territories, and happened to be forced into Tyre by a storm. Upon this, the marquis ordered him to be taken and put to death, and then he seized all his money. Thereupon we sent our ambassadors to the marquis, with orders to demand the money of our brother, and satisfaction for his death, which he laid upon Reginald the prince of Sidon; whereas we had informed ourselves, by friends whom we could trust, that the marquis himself had ordered the murder to be committed, and the money to be taken away.

" We therefore sent another ambassador, called Eurifus, and him he was going to throw into the sea; but our friends hurrying him out of Tyre, he came back to us in all haste, and told us how he had been treated. We, from that hour, determined to kill the marquis, and we sent two of our brethren for that purpose to Tyre, who killed him openly, almost in the sight of all the people of that city.

" Such were our motives for the death of the marquis; and we assure you, with great truth, that Richard king of England was no way blameable with regard to the death of that marquis; and they who, on that account, have done harm to Richard, do it without justice, and without reason.

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"Be assured that we kill no man in this world for reward, or for money, unless he first injure us.
"And know, that these our letters are dated from our house in the castle of Mef-
"fiat, about the middle of September, in
"the fifth year of pope Alexander."

Henry earl of
Champagne
made king of
Jerusalem.

The death of this prince was a fresh obstacle to the progress of our adventurers; but his widow, soon after, being married to Henry earl of Champagne, nephew to Richard, that nobleman was, in her right, declared king of Jerusalem. It was now about the middle of June, and the two kings agreed to get together their forces as soon as possible, and instantly to march and invest Jerusalem. But Henry's troops lying at a great distance from those of Richard, the latter, in the mean time, seized the castle of Darum, which, together with the adjacent country, he took possession of in Henry's name. At last, the two armies being joined, they began their march for Jerusalem, and advanced as far as a town called Betenoble. By this time the old misunderstandings broke out between the English and the French, who still appeared very backward to serve in an army which, in effect, was commanded by Richard. To quicken their march, Henry went to Acon; but found great difficulties in succeeding, and the king of England lost upwards of a month in waiting his return. It was then the beginning of August, and it is generally thought, that if Richard at that time had resolutely marched against Jerusalem, it must have fallen into his hands. But Saladine knew the sentiments of the Christian army, and that their heated spirit of conquest was now sufficiently cooled. He gave himself very little pain: all he did was to keep the field with a flying army, and to distress the Christians, by stopping up the few springs that were left in that parched land, and straitening them in their provision. In short, it is very plain that he had a correspondence with the men of sense among the Christians, both under Richard and the duke of Burgundy. For when the former, seeing no prospect of a reinforcement from the king of Jerusalem, held a council of war, consisting of all his great lords and field officers, ten knights templars and hospitallers, and ten more of the chief lay nobility, were appointed as a committee for the whole meeting, to consider whether it was most advisable to undertake the siege of Jerusalem, or that of Babylon. The duke of Burgundy, who was in earnest during all the expedition, had all along vigorously espoused the former measure, which was then practicable; but the latter was reported, by the committee, as the most advisable. This wild report is a convincing proof that the sentiments of the army in general were for peace, and that the project of taking Jerusalem, by this time, began to meet with the contempt it deserved, since the advising so chimerical a measure could be with no other intent, than to put the expedition under such difficulties as that it must appear impracticable to every think-

ing man. This being remonstrated with great strength by the duke of Burgundy, no final resolution was taken.

During this inactive state of the war, while the Christians were the objects rather of Saladine's derision, than enmity, Richard attacked a rich caravan of the Turks, which was marching under a strong convoy. As he had too much of the hero about him ever to fight with odds on his side, or even with an equality of force, he had taken along with him only a flying party of his cavalry; but his own amazing courage and activity conquered all difficulties. The convoy, after an obstinate dispute, was beaten, and Richard became master of the caravan's valuable cargo, which, together with all the camels and dromedaries, he divided among his soldiers.

Richard attacks and takes a rich caravan.

But nothing all this time was done for forwarding the main end of the expedition, which was the recovery of Jerusalem. The disputes between Richard and the duke of Burgundy now came to be personal, and being without any generous employment in the field, both of them fell to the mean trade of Triobolarian rhymers. Lampoons upon one another, composed by themselves, were daily sung by their soldiers in their camps, till, from being ridiculous to their enemies, they became so to themselves. This ended in a total separation of the French from the English forces, which the politic Saracen made use of to ruin both; for even the haughty Richard now stooped to beg a peace, or at least a truce; but this was absolutely refused by Saladine, without a preliminary article, that Acalon should be dismantled, which Richard, in point of prudence, could not agree to. But Saladine now intending to rid the country of its troublesome guests, reinforced his army with twenty thousand troops, drawn out of Jerusalem and the adjacent places; while Richard, finding his army daily weakened by desertions, and that he soon should be no match in the field for the Saracen, drew his garrison out of Darum, which he dismantled, and reinforced that of Acalon. Saladine, upon this, advanced near him with all his army, intending either to ruin him by a general battle, or to force him totally to abandon his expedition. Richard, not daring to hazard a battle, and fearing to be shut up within the walls of Joppa, left that place, and marched to Acon, intending to take the first opportunity of returning home. The very day on which Richard entered Acon, Joppa was invested by the active Saracen, and its siege pressed with so much fury, that the town, in a few days, was obliged to surrender. Saladine was here guilty of a cruelty to which his nature was averse, but which he thought necessary, by way of reprisal, for the death of the Turks, who had suffered, by Richard's orders, after the taking of Acon; for he put to the sword all the sick and wounded who were taken in the town, while the rest had retired to the castle, which still continued to hold out. Richard, at this time, was at Acon, at which place he had ordered his fleet

The French separate from the English.

Saladine's conduct when Jerusalem was in danger.

The siege of Babylon resolved on.

Saladine takes Joppa.

The castle holds out.

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fleet to rendezvous, intending to go on board for Europe as soon as possible. Saladine, who knew his intention, and that some of his soldiers had actually embarked, thought the conquest of the castle to be certain; and little dreaming that Richard would ever attempt to relieve it, was more secure than became so great a commander. But no toil was unlovely to Richard, where there was a prospect of action and military glory; for receiving a courier from the patriarch of Jerusalem, with an account of the miserable condition of the besieged, and that he and the governor had delivered themselves up as hostages for the surrender of the castle, if they had not a promise of relief by a certain time, he instantly divided his army into two parts, one of which, commanded by himself, went by sea, and the other marched by land to the relief of the place. They arrived just as the hour was elapsed for delivering up the castle, and while Saladine was preparing to make a general assault. The Saracens could scarce believe their eyes, when they saw the English gallies entering the port, and less, when they beheld the amazing acts of valour performed by Richard; for Saladine calling all his troops from the assault, ordered them down to the harbour, to prevent the landing of the English: but Richard, though he beheld the shore covered with troops, whose darts darkened the very air, was the first who jumped into the water, which struck him up to the middle. He held, in one hand, a cross-bow, and in the other, a sword, which cut his way through crowds of the infidels. His prodigious address and activity clearing the shore, gave time for his soldiers to follow his example. They cut in pieces all that made resistance. At last he forced his way into the city, and from thence into the castle, into which he threw a strong reinforcement. Saladine himself, who was amazed at such acts of valour, thought it would be rashness to renew the assault, or even to continue in his camp, while the port was open to so active and desperate an enemy, whose sole aim he knew was to be gone upon the best terms he could obtain. He therefore decamped, and retreating a little from the town, he was followed, though not pursued, by Richard, who occupied Saladine's abandoned camp.

Richard comes to its relief,

who raises the siege.

Saladine attempts to carry off Richard.

While Richard lay here, Saladine formed a scheme which must at once have finished the war, the weight of which he conceived to lie in Richard's person. The Turks of those days, as may be seen from the story of the Old Man of the Mountain, had their enthusiasts as well as the Christians; but their enthusiasm proceeded from nobler principles than the dreams of religion; it arose from a more generous motive, the service of their prince and country. Saladine, like the eastern monarchs, had a great many such about his person, all determined by his will, and obedient to his nod. With a certain number of those he now attempted to surprise Richard, and to carry him off prisoner; and they had certainly succeeded, had not their approach been discovered by a Genoese,

who alarmed the camp. The prodigious hardships Richard had met with in the foregoing campaign, had destroyed all his horses, so that he had but ten at this time in all his army; of which he himself rode one, Henry king of Jerusalem another, and the earl of Leicester another. The alarm continuing to spread, the king, who was in bed, dressed and armed himself with the utmost expedition, and, by the help of the few horses he had, drew his army out in line of battle. There was now occasion for all his spirit: for Saladine was too provident to depend entirely on the success of his conspirators; he ordered his brother Saphadine to support him with a strong detachment of his cavalry, while he himself put the rest of his soldiers under arms, in case the attempt should be improved into a general engagement. It happened as he suspected. The conspirators, finding themselves discovered, fell back upon their own advanced guards; and Richard pursuing, a sharp conflict followed, in which he again gave amazing proofs of his personal strength and courage. I have already taken notice, that the more mortal weapons and way of fighting were, at this time, much disused in Europe. Richard was a man of as great bodily strength as any of the age, with as much activity; and such men were then always most safe, because best able to wield that great weight of armour which repelled both swords, spears, and missiles. The reader, therefore, is not to be surprized at finding such extraordinary feats of arms performed by men of Richard's strength and vigour, while attacked by thousands of enemies, as, since the discovery of fire-arms, would appear ridiculous and romantic to be related. In this respect, the Christians had great advantages of the Turks, who were but simply armed for defence; but for offence, they had a much more deathful bow and arrow, had greater address in using them, were more quick in their attacks, and more swift in their retreat; advantages which, perhaps, over-balanced the lobster-like, unweildy armour of the Christians.

A general battle.

One of the Turkish generals, remarkable for force and address, seeing the wonders which Richard enacted, thought that the conquest of him would grace his arms. Leaving therefore his plebeian foes, he spurred his horse against that of the English monarch. So distinguished a combat drew the eyes of both armies, as the event, had it gone against the king, must have decided the fate of the day; but Richard, after receiving the charge of the infidel, aimed a stroke at his neck, at once so lucky and so strong, that it divided his head from his body, and falling aslant, carried with it part of the Saracen's shoulder. The battle now renewed, it thickened, it seemed to be contracted to the spot where Richard fought in person; every sword was aimed, every weapon was directed, either to destroy or protect him. The brave earl of Leicester lost his liberty, fighting by the side of his master, by whom he was generously rescued at the hazard

Richard's great strength and courage.

A.D. 1192. hazard of his own. Richard's armour was now all bristled over with darts and spears, his horse ready to sink under him, and himself to faint, rather by the blows he had given than those he had received. But the mind of Saphadine was touched with a sentiment of honour, congenial to great souls; for when Richard, summoning all his courage, had once more obliged his assailants to fall back, the noble Turk sent him two fine Arabian horses for his service. These, Richard thankfully accepted of; and, after nobly rewarding those who brought them, had renewed the fight with fresh vigour, when he was informed that the Saracens, by fetching a compass, were attempting to surprize the city. This account was more prevailing than all the Turkish force. He gave orders to continue the battle, and then he retreated to the city. He came time enough to save it from the infidels; and his presence encouraged the marines, who had fled from the field, to march again to the assistance of their countrymen, who still continued the battle. This they did, and the Turks at last retired to their camp, after losing, in this obstinate encounter, no more than seven hundred men. But what Vinisauf tells us, has with it the great air of a romance, and is all but impossible; for he says, the Christians lost no more than two soldiers.

The Turks retreat to their camp.

Saladine's threats.

When Richard retired to his quarters in the town, his right-hand was quite excoriated and raw with handling his sword, and his fatigue was so excessive as to over-power his nature; for he fell desperately sick. Saladine, upon this, threatened, if he would not be gone, to take him prisoner; and Richard magnanimously answered, that he would wait for him, nor should his threats make him quit the place. At the same time, he once more solicited the assistance of the duke of Burgundy's troops, who then lay in Cæsarea, and courted them by no less illustrious a messenger than the king of Jerusalem himself. But the Frenchman meanly declined this service, he desiring nothing more than to see Richard either killed, made prisoner, or forced to submit to inglorious terms. Saladine, in the mean time, was daily approaching the city; and Richard, being now in no condition to take the field, thought of returning to Acon, and leaving the knights templars, with a reinforcement of the garrison, to defend the city and castle of Joppa. But they declining the service as desperate, when not animated by his presence, Richard now listened to an accommodation, which was proposed through the mediation of Saphadine, the generous brother of Saladine. This proposal ended in a truce for three years, the particulars of which were as follow:

A truce concluded.

Its terms.

First, That Ascalon should be demolished, and not repaired or fortified by either party during that time; yet that Joppa might be repaired, and possessed by the Christians, as also all the country then in the Christians hands, without any hindrance or violence from the Turks. And then, That the

Christians should have free liberty to go on a pilgrimage to the holy sepulchre, without paying any thing for it; and likewise should have free commerce throughout all Saladine's dominions.

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Though those articles were much better than Richard could have hoped for, yet he could not forbear darting a menace at Saladine; for he sent a message to let that prince know, that however the present state of his health and affairs had made it convenient for him to accept of those terms, yet he would assuredly return, as soon as the truce expired, with a much greater force both of men and money, and compleat the conquest of the Holy Land. The answer of the infidel to this threat, is at once a glorious monument of his politeness and his admiration of Richard's virtues: "Acquaint the king of England, said he, I take the law of the living God to witness, that were it my fate to lose the crown in my own life-time, I would chuse it should fall on his head, rather than that of any man alive, so much do I admire his courage and greatness of soul." The truce being duly confirmed and ratified, Richard, for the benefit of the air, was removed to Cayphas; while Saladine kept his engagements with more than religious faith. For he indulged the subjects of Richard, in gratifying all the impertinence of devotion, which was so dear to that age, even beyond what was stipulated. They marched by thousands in pilgrimage to Jerusalem; and all who had passports from the king of England returned in safety, excepting those who died of natural diseases.

Richard's message to Saladine.

Saladine's politeness.

While Richard was at Cayphas, he made proclamation, that all his creditors should bring in their demands, which he punctually satisfied. He then redeemed the generous knight William de Pratelis, who had lost his liberty in defending his king, together with some other brave officers, with whom he returned to Acon. Here he met with fresh alarms from England, which determined him to pass thither as a private gentleman, before the whole of his fleet could be in readiness to sail. Accordingly he went on board a large vessel which was bound for the isle of Corfu, about the beginning of October, 1192. From thence he set sail, but was shipwreck'd near Ragusa on the gulph of Venice; where resolving no longer to trust to the uncertainty of the seas, he prepared to go by land through Slavonia and Austria. But all this could not be done without his intention taking air. A general rumour was spread, that the king of England was in those parts; and the high expence he lived at, so particularly pointed him out, that all his and his retinue's disguises of pilgrims habits and long beards were in vain. The news flew to the court of Vienna; and count Maniard de Gortz, a nobleman of Istria, where Richard then was, well knowing the causes of dissatisfaction which both the emperor and the duke of Austria had with Richard, attacked him at the head of the militia of that country.

Richard goes on board for his return.

A. D. 1193. try. But the king escaped from them all, with the loss of eight of his followers, who were taken prisoners. He then dismissed his train, and keeping no more about him than three of his attendants, he travelled through the archbishopric of Saltzburg, where six of his soldiers were taken by one Frederic de Botefowe. It was probably owing to them that Leopold duke of Austria knew of his being in those parts. All the roads were therefore guarded, and a strict eye kept on all passengers. At last, Richard coming to a small village near Vienna, harassed, fatigued, and sleepy, he took up his lodging in a pitiful house, where he threw himself on a couch to take some repose, while his servant went to market for provisions, where he was known by an Austrian, and obliged to reveal where his master was. A guard was immediately dispatched, who seized the unfortunate king while yet asleep. The royal captive was treated by the rabble with all manner of indignities. The court of Vienna having industriously spread a report, that the marquis of Montferrat had been murdered in the Holy Land by his command, or at least by his connivance; and Richard's league with Tancred, together with his insult upon Leopold of Austria, added still more and more to their resentments. The main of this account, which I have given of Richard's captivity, differs, I know, in many respects from what has been delivered by our historians; but I have been guided in it by the rescript sent by the emperor Henry VI. to the king of France, which I apprehend to be of much better authority than that of our historians, varying among themselves, and depending upon second-hand relations. But let us now attend the affairs of England.

He is taken prisoner.

Rymer's Fœdera, tom. i.

Proceedings in England.

Earl John's disloyalty opposed by the government.

The association of the noblemen against Longchamp, the late insolent chancellor, was virtuous in its principles, and honest in its ends; but it was headed by one who had neither virtue nor honour, I mean, earl John. While the popular detestation ran high against the chancellor, that prince mingled in the cry, and led the pursuit, which drove him from every covert of authority and power. But public spirit no longer serving to cloak private ambition, he could no longer co-operate with those who had no views, but the safety and honour of their prince and kingdom. Thus they became greater obstacles in his way than that he had removed. This made him take several undutiful steps; and his designs were now so visible, that they invited queen Eleanor over to England, to strengthen the royal party. That princess, who tenderly loved Richard, and was no stranger to John's character, immediately came over, and was of great service to the royal cause. The lords justices now united more firmly than ever; they called another meeting of the states, and a general oath of fidelity was taken to Richard and his heirs, against all mankind. At the same time, they had a watchful eye over all the sea-ports, into which they put strong garri- sons and brave commanders; such as they

A. D. 1193. could depend upon both for courage and honesty. They soon found they had occasion for all their precaution. But it is now time to open what had passed in France since the return of Philip; and if I shall take the liberty, in many particulars, to differ even from our oldest historians, I shall be pardoned, if it is found that I differ from them only where they differ from public authentic acts, yet remaining in the archives of England.

Before Philip and Richard had left Messina, among other matters that were accommodated, a convention was entered into between them, the counter-part of which, signed by Philip, is still extant. By this he quits all claim to Gisors, with several other towns and territories, to Richard and his lawful heirs; but in default of them, those towns were to return to Philip. And by the fifth article of the same treaty, it was provided, that the same territories should return to the duke of Normandy, if Philip had no issue male. By the sixth, if the king of England had two sons, the younger was to hold in fee from the king of France, either the dukedom of Normandy, with the earldom of Anjou and Maine, or the dukedom of Aquitaine and Poitou. By the seventh article, Richard was to pay down ten thousand merks of silver; three thousand to be paid in November following at Chaumont, and the rest at other terms. By the ninth article, Richard was to give up the Veuxine, and quit his pretensions to all Auvergne; and by the tenth, Philip was to give up to Richard, Cahors and all its dependencies, excepting two royal abbeys. By the eleventh, Richard was to give up all his pretensions to the estate of the earl of St. Giles. By the sixteenth, the king of England was, within a month after his return to England, to send into France the princess Alice, whether he the said Philip was alive or dead.

Treaty between Richard and Philip.

Such were the heads of this famous convention, so little attended to by our historians as not to be mentioned by them, though it is the only guide we can have for determining the justice or the injustice of the king of France's proceeding at this critical period. For it appears, that it was signed posterior to all other conventions we have already mentioned, and is dated in the month of March, a very little time before Philip sailed from Messina. Philip, immediately upon his return, finding the affairs of England greatly embarrassed, resolved to make the best advantage he could of Richard's untowardly situation. The first thing he did, was to get over the seneschal of Normandy, who was left there as a kind of regent by Richard, and the other noblemen of that duchy. For this purpose he held a conference with them, at a place between Gisors and Trie, where, according to Hoveden, he demanded that his sister Alice, who was then kept in the castle of Roan, should be immediately delivered up, together with Gisors and other territories. According to the same author and others, he produced to those noblemen agreements in writing for the delivery of the

Philip takes advantage of Richard's captivity;

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lady and those castles. But this, with all submission, is very unlikely from what we have just seen; or if he did produce any such writings, they must have been forged. It is, however, very probable, that Philip demanded the other places stipulated by the convention of Messina, and that they were refused because the noblemen had received no instructions from Richard on that head. But however this may be, it is certain, that upon Philip's threatening to take the places by force, the noblemen pleaded the seventh article of the convention, sworn to by both kings before the expedition was undertaken; by which the party who should attack the dominions of the other, during his absence in the Holy Land, was to suffer excommunication. It is likewise probable, that Philip receiving this answer, declared the convention at Messina void, and threatened to do himself justice by arms. Accordingly he raised an army, but found great difficulties in executing his intention, so strongly did the dread of excommunication hang upon the hearts of his nobles. He found means, however, to harass Richard's French dominions by the count of Perigord and the viscount of March. But those transactions not belonging properly to our history, we will now return to earl John.

but his subjects refuse to support him.

Earl John recalls Longchamp.

That prince, finding all his ambitious schemes defeated by the firmness of the English government, had now recourse to other measures. The first was, to recall the chancellor, whom he had driven out of the kingdom, that joining their interests together, they might distress, or at least embarrass, the administration. Longchamp, glad of so powerful a protector, accordingly returned to England; and John laboured all that he could for his re-admission to his post and authority. But this bare-faced inconsistency of conduct served only to unite the government more firmly against both; and the chancellor was given to understand, that if he did not immediately quit the kingdom, he should be proceeded against as a traitor; upon which he went beyond seas, on Good-friday following.

John, now despairing of gaining his point in England, by dividing, corrupting, or over-awing its government, affairs went smoothly on in England this year under the justices, with whose administration the people were perfectly satisfied. But, towards the end of the year 1192, the news of Richard's imprisonment arriving, he renewed his practices: for he now threw himself into the arms of Philip, who was thoroughly exasperated both with Richard and the administration he had left in France. Between them it was verbally agreed, that John should be put in possession of the dukedom of Normandy, and all his brother's French dominions. For it is certain, that the treaty into which they entered, was not concluded till January, 1193-4. Hoveden adds, that John, at the same time, agreed to accept of Alice, the French princess, as a wife. Philip, in the mean while, advised the earl to tamper with the Norman noblemen, a fair opportunity

presenting for this purpose: for they, ignorant of his ambitious views, had invited him to a consultation concerning the means of redeeming their master. But John, though he went to the conference, which was held at Alençon, refused to take any share in their counsels, unless they would immediately swear fealty to him, and put him in possession of his brother's French dominions. We are not, as our historians would insinuate, to imagine that he made this blunt demand without any colour of right or reason; there is no doubt he pretended the authority of Philip, who, as superior of Normandy, had disfeised his brother, and was ready to invest him. But the fidelity of the Normans being impregnable towards their absent master, John immediately went to the court of France, where he gave himself entirely up to the guidance of Philip. That prince, finding him useful for his purposes, immediately sent him back to England, with a design of embroiling the government there, so that it might not be in any condition to interrupt the measures he was now determined to pursue in France. John, when he came to London, over-did his part; for he impudently pretended that his brother was dead in prison, and demanded to be put in possession of the crown of England. The justices treated this report with contempt, because they had neither any information of the fact, nor, supposing it had been true, did the crown in right of blood belong to John. Upon this, he flew to arms, fortified his castles, proclaimed his right, and endeavoured to make a general insurrection; but the people were so well satisfied with the government, that all was in vain; and the justices, about this time, sent the abbots of Boxley and Roberts-bridge, as their deputies, to enquire of Richard himself concerning his situation and circumstances. Earl John, knowing that this measure would prove fatal to all his designs, pressed the king of France to send over forces to support him, and attempted to seize some of the most important sea-ports for their reception. But the wise precautions which the justices had taken, rendered all his attempts fruitless; so that no foreigners were bold enough to land in England. But John had done enough for them to proceed against him as a rebel. Accordingly they besieged Windsor castle; while the archbishop of York, Hugh Bardolf one of the justices, and William de Stuteville, raised the militia of York, and fortified Dunstable, to prevent the earl's attempts upon it. From thence the archbishop, who was a man of great spirit, and a good soldier, pressed them to march and invest the important castle of Tickhill, then held by the earl; but the two noblemen declined this, because they held some part of their estates from John; upon which, the archbishop left them in great wrath, accusing them as traitors to their lawful sovereign.

He applies to France for assistance.

But though earl John did not carry his own point, he did that of the king of France; for the government of England was so employed in preserving peace at home, that

Philip's progress in Normandy.

John tampers with the Normans;

A. D. 1193. that Philip, raising another army, fell with great rapidity upon Richard's French possessions, and having a treasonable correspondence within Gisors, it was delivered up to him by the governor; who, at the same time, held the castle of Neffle, and likewise surrendered it to Philip. The loss of two such important places was followed by that of Albemarle, and a great many other forts in Normandy; and Philip, at once to finish the conquest of that duchy, laid siege to Roan. That city was defended by the earl of Leicester, now returned from the Holy Land, who found all the citizens universally well disposed in favour of Richard. This unanimity gave them so much courage, that they threw open the gates of their city, which Philip attempted to enter, but was shamefully driven back; but, in his retreat, he took the two important castles of Paci and Ivri.

But the Norman nobility now thought proper to apply for a truce; which was granted them, upon the promise of a large sum of money, and four castles, being delivered up to Philip for their performance. This was done from the near prospect they had of Richard's return, who they hoped would give a new face to affairs. For being detained for a day or two close prisoner at Vienna, he was demanded from the duke of Austria by the emperor Henry VI. The duke, being promised a large part of the ransom which was to be paid for Richard's liberty, immediately delivered him up. But the emperor found that all Europe, excepting the king of France, had conceived a strong indignation against such treatment of a prince, who had so generously exposed himself for what they thought the honour of religion. This spirit was owing, in a great measure, to the activity of Eleanor the queen mother of England, who plied the pope with such pathetic letters, and at the same time so stinging, that he began to be ashamed of his inactivity in favour of Richard. In one of those letters she styles herself, Eleanor, by the curse of God, queen of England. Peter of Blois, the faithful friend of Richard's government, and then in great credit with the princes of Europe, was likewise very instrumental in rousing them to a sense of the common insult, which, in the person of Richard, had been offered to the dignity of all crowned heads. On the Wednesday before Easter, Richard was brought before the public council, or a court much resembling that body. Though, as a sovereign prince, he well might have declined putting in any answer before such a judicature; yet the crimes he was accused of, which was his betraying the expedition to Jerusalem, and murdering the marquis of Montferrat, obliged him to speak in his own defence. This he did in such a strain of majestic, yet moving, eloquence, that the princes of the empire, convinced of his innocence, interceded with the emperor for his liberty. Henry, not daring to disoblige them, agreed to this, on condition of his paying a certain ransom, which was fixed at one hundred thousand

marks, for which the emperor was to send his commissioners to London. Richard was likewise to pay fifty thousand marks more to the emperor and the archduke of Austria; but this last sum was not to be immediately paid, and was to be entirely remitted, the emperor paying twenty thousand marks out of his own pocket to the duke of Austria, as his share of it, upon the duke of Saxony's performing certain terms undertaken for him by Richard. The result of this agreement was signified to Richard's mother and regency by a letter, in which he farther acquaints them, "That the emperor and emperor's press had sent for him from his prison in the castle of Hagenau, and had received him with great marks of honour and affection; and that he continued to be treated with much respect about the emperor's own person, till the money, which amounted to seventy thousand marks, English, should be paid." Richard was now more at large than he had been since his captivity, and his great officers of state had access to him. Among others, came Hubert bishop of Salisbury, who had attended Richard to the Holy Land, and gained so greatly on his affections, that he promised him the archbishopric of Canterbury, now vacant by the death of Baldwin. This prelate was immediately dispatched by Richard into England, both to secure his own election, and to facilitate the collection for the king's ransom. Next came the outed chancellor, who was employed by Richard as a mediator between him and the emperor. And lastly, came the two deputies from the regency, the abbots of Boxley and of Robert's-bridge.

Several princes of Europe, in particular the pope, at the same time making strong instances for the king's liberty, every thing now seemed to be settled, when a new event rendered it more doubtful than ever. A powerful conspiracy being formed against the emperor by the princes of the empire, whom he had exasperated by his cruelty, the latter found it necessary to keep measures with the king of France. A secret correspondence, therefore, was entertained by those two princes, and the affairs of Richard's liberty took so sudden a turn, that, according to my authorities, he was loaded with irons, and put under stricter confinement than ever. This reverse alarmed all Europe, and gave countenance to the report which was now revived by earl John, that the king was dead, or, at least, that there were no hopes of his ever being restored to his kingdom.

By this time the justices had taken the castle of Windsor from that prince; but they were now under great perplexities, because of the king's uncertain safety and return. A truce at last was concluded upon, which was to last to the beginning of November, during which time the earl was to retain possession of the castles of Nottingham and Tickhill; but the castles of Windsor, Wallingford, and Pec, were put into the hands of the queen mother, who, upon the king's return, was to deliver them to the earl. But things did not

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He is caressed by the emperor.

Great interest made for Richard's deliverance.

A conspiracy of the princes of the empire against the emperor.

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not long remain in this uncertain state; for the pope, who was entirely in the interest of Richard, now threatened to interpose his spiritual interdicts against the king of France, if he continued his practices against him any longer. Philip, intimidated by this menace, consented that the negotiations concerning Richard's liberty should be again resumed. Upon this, Richard sent over into England his chancellor the bishop of Ely, who received, at the same time, a letter from the emperor, addressed to the nobility of England, acquainting them of his agreement with Richard concerning his ransom, and expressing his great regard for his person, and the people of England. As no messenger could be so disagreeable to the queen mother and the justices, as the chancellor was; so he had orders to declare, that he came in no character as a justiciary, or chancellor, or legate; but as the king's servant, to lay before them the state of his master's affairs. The regency, upon this, laying aside all other animosities, immediately entered upon the ways and means of discharging the ransom agreed upon. This was done by scutage, hidage, and contribution. The first was paid by the tenants in capite, both barons and knights, and assessed at the rate of twenty shillings for every knight's fee. This tax was gathered with great severity, and the sheriffs answered for those who had only single fees, and not capital baronies, in their respective counties. By hidage, was meant the aid charged on lands holden by other services than that of the shield, and imported either tenure in socage, or some tenure inferior to, or distinct from, that of chivalry, or knights-fee. The lands subject to this hidage were certified by the barons of the Exchequer, assessed by the justiciaries of the king's courts, and levied by the sheriffs. But I am inclined to believe that the hidage was not raised upon this occasion; for it appears, from the rolls, not to have been collected till the sixth of this king's reign: nor does Hoveden, who mentions the scutage to have been imposed by the authority of the queen mother and the regency, make any mention at all of the hidage; though, in the rolls, it is expressly called a hidage in aid for the redemption of the king's person. But perhaps a scutage, though no hidage, might have been now imposed; and another scutage, with a hidage, might have been levied, in the sixth of this king, for defraying certain engagements he was under to repay the extra-feodal engagements made upon this occasion. What renders this opinion the more probable is, that the king, in his letter to the regency, conjures them to borrow (1) all the money they could, and, in particular, all the church plate, for which they were to give their receipts, and to pledge

their oaths, that he should repay as soon as he returned.

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But whatever may be in this, which I propose only by way of conjecture, it is certain, that no scutage nor hidage were found sufficient for raising so large a sum as the occasion required. The contribution, therefore, was principally trusted to, and it was indeed very heavy; for it was ordered by the queen and regency, that all clerks and laics should pay a fourth part of their revenues that year, for the redemption of the king; and that they should add so much of their moveables, or upon their moveables, for which the king should con, or ken, them thanks. And they likewise ordered, that the abbeys and houses of the Cistercians, and the order of Sempringham, should contribute all their wooll that year; and that all the gold and silver that the churches were possessed of, should be brought forth and delivered for the same purpose. These impositions were collected with vast rigour, and paid by weight and measure to the emperor's commissioners, who were appointed to receive it at London. But it happened in the case of this, as in that of all other taxes, that great abuses were committed in gathering it; and though the sums levied greatly exceeded the demand, yet so much of it was sunk for secret services and private purposes, that when the returns were made at the treasury, the neat produce fell short of the ransom.

Its oppressive consequences. [Hoveden, Brady.]

This gave the emperor and the king of France a handle for protracting the negotiation, and, consequently, opportunity for earl John to renew his intrigues. Among other attempts, he made one to engage the king of Scots in his favour; but that prince, prizing the tranquility of his government, and his obligations to Richard, not only discouraged all such applications, but sent a body of troops, under the command of his brother David, to assist the regency of England; a fidelity which was ever after gratefully remembered by Richard, and adds greatly to the honour of the Scottish prince. But all this time Richard's captivity was prolonged, by various arts and incidents. Neither the king of France, nor earl John, had been able to make any impression upon the fidelity of the English; and it was of the utmost importance to both that he should be detained in prison. To effect this, we are told, that they offered to the emperor no less than eighty thousand merks, fifty thousand to be paid by the king, and thirty by the earl: a hundred thousand merks, if the emperor would consent to deliver him up to their custody, to be paid by the king of France, and fifty thousand to be paid by earl John; or a thousand pounds a month as long as he should continue in safe custody. These

His liberty delayed.

The emperor practised upon by the king of France and earl John.

Method of raising Richard's ransom.

[Mag. Hist. 6 Rich. I.]

(1) Quare vos rogamus et in fide, qua nobis tenemini, adjuramus, quatenus in hac pecunia perquirenda solliciti sitis, et vos justiciarii nostri, qui aliis in regno nostro præestis, exemplum aliis præbeatis: ut ita honorifice et magnifice de proprio nobis subveniatis, et etiam de his, quæ de aliis mutuo accipere poteritis, et aliis fidelibus nostris exemplum detis similia faciendi. Universum autem aurum et argentum ecclesiarum diligenti observatione, et scripti testimonio ab ipsarum ecclesiarum prælatis accipiatis; eisque per sacramentum vestrum et aliorum baronum nostrorum quos volueritis affirmatis, quod eis plenarie restituentur. Rymer's Fœd. tom. i. p. 80.

A. D. 1193. great offers prevailed so far with the emperor, who had now a plausible pretext by the non-payment of the ransom stipulated, that Richard's deliverance might have been attended with the greatest difficulties, had he not

Richard forms
a party against
the emperor.

found means to form a party in his favour among the princes of the empire, whom the growing connections between the emperor and the king of France now alarmed so much, that they were ready to break out into open rebellion. The heads of this confederacy were the archbishops of Mentz, Cologne, and Saltzburg, the bishops of Worms, Spire, and Liege, the dukes of Swevia, Louvain, and Austria (which last began now to be in pain about his share of the king's ransom) together with the count palatine of the Rhine, and many other great men. So formidable a party was no longer to be trifled with; and all that the emperor had to alledge in his own excuse was, the great offers which had been made on the part of the king of France and earl John, for proof of which, he put into the king's hands their letters, which contained their offers. The negotiations now took a new turn; for the emperor found himself under a necessity of having recourse to his prisoner, to make up matters between him and the incensed princes of the empire. Richard, who, when his head was clear from military ideas and noise, wanted neither capacity nor address for business, managed this matter so artfully, that he reconciled the emperor and the princes, and entirely destroyed Philip's credit with the former. A conference was then appointed at Worms, the day after the feast of St. John the Baptist, where commissaries met on both sides. The dukes of Louvain and Limburg, with many other nobles, appeared on the part of the emperor; and, on the part of the king, appeared the bishops of Bath and Ely. About four days after their first session, William Briwere, and Baldwin de Bretune, arrived, and appeared to have been joined in commission with the two bishops. Several conferences being held, at last the following terms were agreed upon:

A new conference.

Final agreement between Richard and the emperor,

I. That Richard should pay to the emperor one hundred thousand merks of pure silver, Cologne weight; and fifty thousand more towards the reduction of Apulia.

II. That Richard should consent to the marriage of his niece, the daughter of the late duke of Brittany, with the son of the duke of Austria; and that the king of England should give orders, that the emperor of Cyprus, with his daughter, should be delivered.

III. That the king of England should stand all hazards of the hundred thousand merks, till it should come into the empire; and then, that the emperor was to take its safety upon himself, Richard being then at liberty, under safe conduct.

The fourth article was a confirmation of one that had been already entered into between Richard and the emperor, by which the former was engaged to pay fifty thousand merks more to the emperor and the duke of

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Austria, unless the duke of Saxony should ratify certain articles, for the performance of which Richard stood engaged.

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By those articles may be seen the various forms into which this negotiation was cast by the avarice of the emperor and the court of Vienna; but it is proper that the reader here should be informed of one thing, which may give him some idea of the character of that age and country. The emperor was unwilling that the king of England should escape out of his hands, without being squeezed to the last penny; yet the affections of the German princes were so strong in Richard's favour, that it was dangerous to detain him longer. He felt Richard's pulse, and perceived that, even in his reduced condition, it beat as high as ever for ambition and military glory. He saw him still retain his old adventurous spirit, and that he thought no danger so great as not to be surmounted, no prize too valuable not to be won by his arms. The emperor made a proper use of those dispositions; he told Richard, that there were certain territories belonging to the empire, and in his gift, but now in possession of the king of France or his vassals. Those were no less than the sovereignty of Provence, Vienne (or Viennois) in Dauphine, Marseilles, Narbonne, Arleblanc, and Lyons on the Rhine; with a tract as far as the Alps, with part of Burgundy; the homage of the king of Arragon, the earl of St. Didier, and the earl of St. Giles. All those formed a noble dominion; and if joined to Richard's, would have made him the most powerful prince who had, since Charlemagne, reigned in Europe. In short, it appears that Richard, not suspecting the emperor's right, and not doubting of his own success in arms, agreed to the augmentation of his already exorbitant ransom for this imaginary empire: and we accordingly find, that in his letter to the archbishop of Canterbury, published by Mr. Rymer, that the Monday after the twentieth day after Christmas was fixed upon as his coronation.

who offers to Richard the crown of Provence.

Great difficulty of his being ransomed.

Disadvantageous as the above terms were, they were not obtained but by great management and address on the part of Richard's ministers, who, upon this occasion, approved themselves to be as able as they were honest. For, notwithstanding all the interposition of the pope and the Germanic princes, the liberty of Richard was a thing of such prodigious consequence to the peace of Europe, and the interests of Philip and earl John, that the latter redoubled their efforts with the emperor for his detention. It appears that the English ministry, upon this occasion, performed several masterly strokes in policy; for, perceiving the interested views of all parties, they entered upon separate negotiations with all, without the privity of the other. The great views of Philip were, to reduce the power of Richard in France, to secure the payment of his subsidy, and the peace of France, if Richard should be set at liberty. Commissaries were appointed by Richard, with full powers to negotiate

A. D. 1193.
[Rymer,
vol. i. p. 81.]
His treaty
with the king
of France.

all those points. Those plenipotentiaries meeting, a treaty was drawn up, by which Philip was secured in all his late acquisitions in Normandy, the castles of Luches and Castellion were to be delivered into his hands, and Driencourt and Arches were to be given up to the archbishop of Rheims; all of them to be maintained at the king of England's expence, for the payment of a subsidy of twenty thousand merks. Many other stipulations are likewise contained in the said treaty, in favour of the great lords, which were of importance to Philip, chiefly because they served as so many suckers to weaken the growth of Richard's power. But it is observable, that in this treaty no mention is made of the unfortunate princess Alice.

Rymer, ubi
supra.

Our English historians, Mr. Tyrrel in particular, have been fond of crying down the validity of this treaty, because signed only by plenipotentiaries; and therefore he thinks it ought to be looked upon as a hasty rash act of the ambassadors. But the treaty itself has come to our hands, and carries with it the strongest marks of authenticity: for the preamble recites, that the ambassadors, before they entered upon the conferences, produced full powers, by which Richard engaged himself to confirm and ratify all the engagements they should make on his behalf. The authenticity, therefore, of this treaty cannot be questioned, but upon principles which must shake that of all other public acts. But the truth is, Richard and his ministry were so much alarmed with the offers which they perceived had been made by Philip and earl John, that they were glad to offer them almost any terms, so as that he might get rid of so dangerous a durance.

Philip's remarkable letter to earl John.

No sooner was this treaty finished, than Philip wrote to earl John, That he should look to himself, for the devil was now like to be unchained. The earl soon perceived the drift of those words, and, understanding that little or nothing was stipulated for himself in the treaty (excepting that he should possess his estates if he could clear himself from the charge of embezzling the money he had collected for his brother's ransom, which he knew he could not do) was beyond measure exasperated with the court of France. This fell out according to the wishes of the English ministry, who took care to improve his discontent into a total rupture with Philip: for we find him, at this time, renewing his oath of fidelity to his brother, whose generosity he chose to trust, rather than the self-interestedness of Philip. By this conduct he became contemptible to all parties; and having no real power either in England or Normandy, he began to repent of his late return to duty, and to dread his brother's resentment. He had reason, if we may believe our historians. For, upon producing an order from Richard, that he should be put in possession of the castles belonging to his estates, the commanders of those castles disregarded it, as receiving themselves no orders on that head. This made the earl apprehend that he had nothing but severe ven-

Rymer, ubi
supra.

Earl John reconciles himself to Richard;

geance to expect at his brother's hands; and, with unparalleled fickleness, he again threw himself upon Philip, who being yet in suspense with regard to the true sentiments of Richard, again took him into protection, and put him in possession of the castles of Driencourt and Arches, which, by his late treaty with Richard, were to have been given to the archbishop of Rheims. This circumstance is a convincing proof, that our historians are mistaken in supposing this transaction to have been prior to Richard's negotiation with Philip; since, at the time of that negotiation, Richard's officers were certainly in possession of those castles.

A. D. 1194.
but flies off,
and throws
himself upon
Philip.

Between the time of those incidents and the final liberation of Richard, Philip plainly perceived that Richard and the English ministry had outwitted him at the imperial court; and that, as soon as Richard was at liberty, he would plead duress against all his engagements. He was not mistaken; the English party was now so strong among the princes of the empire, that it was dangerous for the emperor himself to dally any longer with them, as he still continued to do, notwithstanding his late agreement. For though, as we have seen before, the day for the king's deliverance was actually fixed, yet, when a diet of the empire was held at Spire for executing the agreement, it was dishonourably put off till the beginning of February, 1194. As this was of dangerous consequence, and as there was no end of such pretexts, the princes of the empire, who were the friends of Richard, remonstrated to the emperor upon his breach of faith, in terms so sharp, that the latter durst no longer trifle, but delivered Richard free into the hands of his mother, the archbishop of Roan, and the bishop of Bath; while some of the young English nobility, who were then about his person, were left with the emperor and the archduke of Austria, as hostages for the payment of the arrears of his ransom. He was set at liberty on the 4th of February, after a captivity of one year and six weeks.

Richard set at liberty.

The whole of this negotiation, with its success, reflects great honour upon the loyalty and abilities of the English ministry; and surely, never was a king better served in the cabinet than Richard was upon this occasion. If the many engagements he had entered into, were not by him punctually fulfilled, we are to consider that he was detained contrary to all law and right. Those with whom he treated were no better than robbers; he owed his liberty, at last, more to the violence put upon the emperor, than to his good faith in observing his engagements. The practices of the king of France, against his crown and dignity, were ungenerous and insidious; and his putting earl John in possession of the castles of Driencourt and Arches, was in direct breach of his treaty with Richard. As to earl John himself, we shall soon see him entering upon schemes so treasonable and undutiful, that they absolved his brother from all engagements, if he was under any, towards him, and threw him into the rank of an avowed rebel. But I shall here

Reflections upon his captivity, and the negotiations during it.

A. D. 1194. here hazard a conjecture. Though England, a little before, had been, no doubt, greatly impoverished by the frantic expedition into the Holy Land, and though great abuses were certainly committed in collecting Richard's ransom; yet it is not to be imagined, that, considering the methods of collection, she could ever have been so much distressed as she was, in furnishing out a hundred and fifty (or even supposing it to have been two hundred) thousand marks. We may therefore well conclude, that a much greater sum was collected upon that occasion, and that all the surplus was applied by Richard towards forming his party among the princes of the empire, and engaging them to counter-balance the power of Philip. Even upon this occasion (weak and ungrown as the power of France then was to what we have since seen it) the necessity of a counterpoise among the German princes was evident to the crown of England. A very strong one was then formed, with the emperor himself at its head, partly, as is probable, through force, and partly from interest. For we find, that at the same time Richard was set free, a deed was executed under the hands and seals of the emperor, and the princes of the empire, both lay and ecclesiastical, requiring the king of France and earl John to redeliver to Richard all the places they had taken from him during his captivity; and threatening them with invading their dominions, in favour of Richard, in case of a refusal. To make this threat the more effectual, Richard granted subsidies to several of the princes of the empire, particularly to the archbishops of Mentz and Cologne, the bishop of Liege, the dukes of Louvain and Austria, the marquis of Montferrat, the dukes of Limburgh and Swevia, with many more. All those princes, according to Hoveden, swore homage to Richard; but this expression in English history must be well distinguished, and can mean no more than personal attendance in the field upon requisition. Our modern historians have all of them grossly misunderstood it; for they have swelled it with fealty, aids, and other assistances; and, by the old laws and constitutions of England, it no doubt implies them all. But it is plain, that the homage here mentioned by the historian is to be taken not in the English, but the Norman, sense of the word, which was deemed a promise to keep faith in things rightful and necessary, and to give help and advice.

William of Newburgh and Brompton inform us of a circumstance, which proves that the emperor was forced into all those measures in favour of Richard; for though he had given him safe conduct to Antwerp, yet Richard narrowly escaped being again seized by a party sent out by the imperial orders to retake him. The other princes of the empire seem to have been sensible of the emperor's insincerity; for, upon the king's arrival at Cologne, he was highly caressed by the archbishop, who began mass by chanting the following versicle, "Now know I of a surety that the Lord hath

"sent his angel, and hath delivered me out of the hand of Herod, and from all the expectation of the people of the Jews." Richard was conducted to Anvers by the archbishop of Cologne, and he landed at Sandwich on the 13th of March. It is now proper to review the conduct of Philip and earl John during those transactions.

No sooner was Richard set at freedom, and the letter from the princes of the empire delivered to Philip, than, according to the French historians themselves, he was struck with amazement at so powerful a confederacy. But, not to be wanting to himself, though it was then the month of February, and the season rigorous, he instantly invaded Normandy, where he made himself master of Evreux, and its citadel, which he kept, but put earl John in possession of the city. He then took Newburgh and Vaudreville, with a great many frontier garrisons, and returned, as appears, without much resistance to France.

But Philip was sensible that those conquests would soon fall again into Richard's hands when the season should permit; he therefore attempted to wound him in a more sensible part. For this purpose he formed a project, in concert with earl John, to raise a rebellion in England. This might have been attended with troublesome effects, had not the earl entrusted the execution of it with a fellow unequal to the part he had to act. His name was Adam of St. Edmund, and he was by profession a clergyman. Having received proper credentials, both from the earl and the king of France, he went to London, where his vanity would not suffer him to conceal either himself or his business. As it was known that he was in some degree of favour with the earl, the archbishop of Canterbury, who was at this time, in the absence of the archbishop of Roan and the other justices, regent of England, either through good manners, or design, invited and entertained him at his own palace. There the clerk broke forth into several suspicious expressions concerning the close connections between his master, the earl, and the king of France, and the probability of his master doing great things, if he was but well served. Regard for the rights of hospitality prevented the archbishop's seizing him at his own table; but no sooner did the agent return to his lodgings, than he was arrested by the mayor of London, and all his papers seized. There the whole of the earl's designs was discovered, and a great number of letters were found addressed to his military tenants, ordering them to fortify his castles against the king.

So dangerous a conspiracy, at a juncture so critical, the news of Richard's deliverance not having yet reached England, required all the vigour of the government to crush it. The archbishop instantly summoned a convention of the states, to whom he communicated the papers he had seized. Upon this, they sought no farther proof; but immediately disseised the earl of all his estate in England, and ordered his castles, which should

refuse

He forms a counter-balance to the power of France.

P. Daniel's Hist. of France.

Philip invades Normandy,

and attempts to raise a rebellion in England;

but the plot is discovered,

and earl John is disseised of his estates,

[See Grand Coutumier de Normandie.]

He is in danger of being retaken.

A. D. 1194.
and excom-
municated,

refuse to surrender at the summons of the government, to be besieged. Being sensible, at the same time, that the earl had a great number of abettors, whom either turbulent dispositions, ambitious inclinations, or desperate circumstances had fixed in his party, the bishops and clergy of England, who were then in or about London, excommunicated the earl, and all his adherents who did not immediately lay down their arms, and return to their duty.

Earl John's
castles be-
sieged.

This seasonable severity had a wonderful effect in preventing any number of the discontented from taking the field; for they retired to the earl's castles, the chief of which were Nottingham, Tickhill, Marlborough, Lancaster and St. Michael's mount in Cornwall. David, brother to the king of the Scots, was then in England, at the head of a body of troops furnished by that prince for the assistance of the English government. He, with the earls of Chester and Ferrers, undertook the siege of Nottingham; as the bishop of Durham did that of Tickhill. Those two, being the places of greatest strength, made a vigorous defence; but the other castles, in a short time, were surrendered to the regent, upon terms of pardon to their several garrisons.

Richard ar-
rives in Eng-
land.

By this time Richard had returned to England. His first care was to return thanks to heaven for his deliverance, at the shrines then most fashionable for resort and devotion. The cares of war succeeded those of religion. The castles of Tickhill and Nottingham continued still to hold out, and it was of the utmost consequence they should be reduced before they could receive any supply from France. Richard, therefore, went to the camp before Tickhill, and the garrison being assured he was there in person, at the bishop of Durham's intercession, obtained leave to surrender, upon a promise that their lives and limbs should be safe. Richard proceeded with more severity against the garrison of Nottingham; he assaulted it several times with great fury, without listening to any terms, but that they should surrender at discretion. Several of his brother's domestics, who had fallen into his hands, were hanged up on a gibbet erected in sight of the place, which was forced at last to surrender without any terms.

He holds a
parliament at
Nottingham.

Richard being again master of England, held a parliament at Nottingham, that the state of the nation might be settled. It appears, that the behaviour of earl John, who was the head of all the opposition to the chancellor, had given that prelate great credit with Richard, and restored him to all his influence in his councils. Gerard de Camville, whom the reader may remember to have been the first nobleman who openly opposed the chancellor, was now the first object of his revenge. He had been accused of harbouring thieves and robbers, and of appearing in open rebellion in favour of the earl. To the first of those charges he refused to answer, but in the court of his lord the earl; and the latter he denied, but gave security for his answering to it at the king's

Gerard de
Camville ac-
cused and con-
victed;

court. His answer not proving satisfactory, he was now disseised of the castle and sheriffdom of Lincoln; as was Hugh Bardolf of as is Bardolf. York and Scarborough; and the sheriffdom of Yorkshire, which was purchased at an exorbitant rate by Geoffrey archbishop of York.

Sentence being pronounced against those abettors of the earl's treasons, he was himself proceeded against on the 31st of March, which was the second day of the session. The charge against him was for seizing the king's castles, and destroying his dominions both in England and France. Hugh Nunnant bishop of Coventry, and the most bitter personal enemy the chancellor had in all England, was at the same time accused of betraying the king's secrets, and of aiding and abetting his enemies. As neither of the parties were, in law, as yet properly before the court, a day was fixed for their appearance, which was the 11th of April following; and it was resolved, in case of their non-appearance, that earl John should be adjudged an enemy to his country, that is, [Demeruisse Regnum.] attainted of high treason; and that the bishop of Coventry, against whom the charge was not so strong, should, in his sacerdotal capacity, be judged by the bishops; and in his lay, as sheriff, by laymen.

The bishop of
Coventry ac-
cused.

Earl John
attainted.

[Demeruisse
Regnum.]

Those examples of public justice being made, it was now time to provide for the public exigences, which were many and pressing. The first demand of the court was, that two shillings should be paid to the king out of every plough-land in England; which was accordingly granted. The king next ordered, that all military tenants should, according to the value of their respective fees, perform one third part of their service, and go with him into Normandy. As this was a duty merely feudal, the demand passed of course, it being by way of command, rather than proposition. But the next demand of the court was of a more extraordinary nature; for it was, that the Cistercian order should give the government all their wool for that year. This was looked upon as so great an imposition, that the order paid a large pecuniary composition to be excused. But all those taxes were ineffectual for answering Richard's necessity and profusion.

Great sub-
sidies laid on;

The chancellor was now in so great credit with the king, that he thought himself powerful enough to ruin his old and inveterate enemy the archbishop of York. The purchase which the latter had lately made of the sheriffdom of Yorkshire, for which Longchamp had bid, added to his resentment; and now a great many complaints of oppression, from different quarters, were made and received against the archbishop. But his interest among the nobility, and his own personal merits with the king and government, were too great to be so soon overthrown; and we find, in this parliament, no proceedings against him. The second of April was the last day of its session, and then Richard declared his intention of being crowned anew at Winchester on the close of

The archbi-
shop of York
attacked.

A. D. 1194.

of Easter; the meeting was then prorogued to that time and place.

Richard's preparations.

Richard, all this time perceived the storm, which was gathering against him in France, and prepared against it. The quiet of the north was of the utmost importance to that of his dominions, and the king of Scotland had both great demands, and great merits. His virtue, in resisting all the temptations thrown in his way by Philip and earl John, with the vigorous support he had given to the government of England during Richard's absence, claimed the utmost regard; but his demands were very high, and not to be complied with, in the then necessitous state of the nation. They contained no less than a cession in his favour of all Northumberland, Cumberland, Westmoreland, and Lancaster; with a confirmation of the rank and all privileges which had been formerly due or granted to any of his predecessors, as kings of Scotland. Richard appointed a meeting with him at Chepstow, to which he repaired immediately upon the breaking up of the parliament at Nottingham. The Scottish king accordingly met him, and the interview was opened by great caresses on both parts. But as the business of this interview has been little understood by the English, and the accounts of it perverted by the Scotch writers, it is of importance to our history that it should be fully cleared up.

Richard's interview with the king of Scotland.

Terms of Richard's charter to the king of the Scots. [Rymer.]

Richard, by the charter, I have already mentioned (granted to the king of the Scots when the cautionary towns were restored to that crown) had agreed, "That all claims of the kings of Scotland (for so William is termed in this charter) concerning their journies to or from the English court, when summoned, and their abode therein, together with all disputes about their liberties, dignities, and honours, should be referred to the arbitration of eight noblemen, of which, four were to be chosen, by Richard, from among the Scots, and four, by William, from among the English."

By another article of the same charter it is provided, "That the king of Scotland, and his heirs for ever, should possess all his lands, whether demesnes or feudal, in England, that is to say, in the earldom of Huntingdon, and elsewhere, with the same immunities and privileges as his brother king Malcolm had enjoyed the same; excepting those estates which, by either of them, had been given off in fee, the services still to be reserved to the crown of Scotland."

From those two clauses the Scotch writers have, I think with great injustice, pretended, that Richard submitted to arbitration of

the eight noblemen the claim of Northumberland, and the other counties I have just mentioned. But whoever is unfettered enough from national prejudices, must perceive, from the whole intention of the charter, that the reference to arbitration was not with regard to matters of property, but of privilege: the words of the charter, as the reader will find in the notes (1), imply no other. But, to take away all doubt of this, in the clause which regards property, no mention is made of any such arbitration. The lands there mentioned are restricted to the earldom of Huntingdon, and others which Malcolm actually possessed, and which were then possessed by William; and the clause itself is actual, and not provisional, or eventual. Now as the above mentioned counties were never possessed by William, and as they were possessed but a very short time by Malcolm, it can never, with any colour of right, be pretended, that this clause saved to William a right, when opportunity presented, of redemanding them from the crown of England. The very words of the charter, precludes, in some sense, this claim; since they contain an actual confirmation of his rights to those lands he then possessed, but no otherwise than as the same rights had been enjoyed by his brother. No lands, therefore, that belonged to Malcolm, and did not belong to William, could ever come within the description of this clause. Perhaps some may imagine, that ambiguity arises from the words, "in aliis locis," and "possidere debuit." As to the first, both Malcolm and William had, besides the earldom of Huntingdon, many other possessions, particularly the earldom of Northampton, in England, which were never disputed by that crown. As to the latter expression, it is only form, and inserted commonly to save prescription as to those rights which are not claimed or decided, and can be admitted only to regard the subject actually possessed by the party in whose favour the charter is granted.

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Notwithstanding all this, it is plain, that William, at this time, revived his dormant claim upon the northern counties; but I cannot easily believe that he was encouraged to this step by the charter of Richard. The truth is, the claim of the crown of Scotland to those lands never had been solemnly decided before the king of England's court, which alone could judge of its validity. The kings of Scotland, as all kings ought to be, were guardians of the public; and no ward ought to suffer from the concessions of its guardian. William, therefore, was in the right to revive his claim (if he thought it just) on this occasion, notwithstanding his own or his brother's deeds in prejudice of

William's claims.

(1) Præterea quietavimus et omnes pactiones quas bonus pater noster, Henricus rex Angliæ, per novas chartas, et per captionem suam extorsit; ita videlicet, ut nobis faciat integre et plenarie quicquid rex Scotiæ Malcolmus frater ejus antecessoribus nostris de jure fecit, et de jure facere debuit: et nos ei faciemus quicquid antecessores nostri prædicto Malcolmode jure fecerunt et facere debuerunt; scilicet et de conductu in veniendo ad curiam, et in morando in curia, et in redeundo a curia, et in procuracionibus, et in omnibus libertatibus, et dignitatibus, et honoribus, eidem jure debitis, secundum quod recognoscitur a quatuor proceribus nostris ab ipso W. rege electis, et a quatuor proceribus illius a nobis electis. Præterea de terris suis quas haberet in Anglia, seu dominiciis, seu feodis, scilicet in comitatu Huntingdon, et in omnibus aliis, in ea libertate et consuetudine possideat et hæredes ejus in perpetuum, qua præfatus rex Malcolmus possedit, vel possidere debuit, nisi prædictus rex Malcolmus vel hæredes sui aliquid postea infeodaverint; ita tamen, quod si aliqua postea infeodata sunt, ipsorum feodorum servitia, ad eum et ad hæredes ejus pertineant: et terram quam pater noster præscripto regi W. donavit, in eadem libertate, quam ipsam ei dedit, ipsum et hæredes suos perpetuo possidere volumus. Rymer's Fœd. tom. i. p. 64.

A. D. 1194. the public. He did it at this time, and withal demanded, that the terms and manner of his entertainment should be settled.

Richard's answer to the same.

Richard, who perhaps expected such demands, treated that relating to the rendition of the counties with great decency and regard to William's person; but told him, that he must, in a matter of so much consequence, take the opinion of his great council, which was soon to meet at Winchester, and whatever they should advise, he was ready to fulfil. But he insinuated, that it was very improper for the Scots to make any such claim, now that the English were upon the eve of a war with France; and that, if he should now comply with such a demand, it would appear not as the effect of affection, but compulsion. But that as to the other matters in question, he was then ready to settle them on the terms demanded. But it is necessary we should open to the reader the nature of this other claim.

State of the differences between the kings of England and Scotland about the entertainment of the latter in England.

Some difference between the court of England and that of Scotland had always subsisted, with regard to the manner of attendance, to which the latter was obliged, as a military tenant of the English crown. For the king of the Scots pretended, that he was not bound to appear at the court of England, unless such court was held within the bounds of his own fee; while the kings of England insisted, that, since he was a vassal, he ought to appear wherever the superior held his court. This question is more difficult to resolve than appears at first sight; For though, both by the Norman and English law, vassals were bound to make no distinction of places, where the court of the superior was held; yet the feudal law, un-mixed with any Gallic or Anglo-Saxon usages, has left it doubtful. The matter, however, was decided in this manner, That a vassal is not obliged to appear in the court of his lord without the bounds of his own fee, but at his lord's expence. This was a very great point gained by the Scots at that time. First, as it prevented the impoverishment of their country (unenriched either through nature or industry) by supplying their kings with the means of living up to royal magnificence in a foreign country. Secondly it was some kind of a check upon the crown of England against its wantonly commanding the attendance of the Scotch king, when it was to be followed with so great a charge. But though the above decision was generally understood, yet no particular provision had been made for regulating the expences of the king of Scotland. This was now done, and I shall here give an extract of it, that the reader may have some idea of the materials of royal luxury and magnificence in those days. It contains in substance, "That when the king of Scotland should, in order to meet with the king of England, enter the limits of this last kingdom, the bishop of Durham and the sheriff of Northumberland should receive him at the river Tweed, and wait on him to the Teise; and there the archbishop of York and sheriff of Yorkshire should receive and conduct him to the borders of

How determined by the feudal law.

Charter thereupon.

that county; and so the bishops of each diocese, with the sheriffs, should attend him from county to county, till he came to the English court. That, from the time he entered England, he should receive every day, of allowance from the king of England, one hundred shillings (in those days no small sum;) and, when at court, thirty shillings, twelve of the king's fine cakes, twelve of his biskets, or simnal loaves of fine wheat twice baked, four gallons of his wine, and eight of ordinary wine, two pounds of pepper, as much of cinnamon, two cakes of wax, weighing each eight or twelve pounds, four wax candles, and forty great long candles, of the king's candles, and eighty ordinary candles; and that, when he returned into his own country, he should be conducted back again by the bishops and sheriffs as before, and have the same allowance in money of one hundred shillings a day."

This charter was delivered to William king of the Scots at the town of Northampton, on the 12th day of April, 1194, being Easter Tuesday, by the hands of William bishop of Ely, the king's chancellor. But it seems that the king of the Scots thought that it established a superiority in his person above the other subjects of England, particularly the bishop of Durham who was one of the noblemen named to attend him upon his passing the Tweed. For next day William and that prelate happening to come to Brackley, on their journey to Winchester, William demanded that the bishop should give up his lodging. The latter refusing, a skirmish ensued between their servants. Next day the Scot complained of the bishop's insolence, and the latter received a severe reprimand from Richard.

But this was only a prologue to other mortifications he was to receive; for Richard was now upon a project of re-assuming into his own hands all the parcels of the crown revenue which he had disposed of, by way of sale, before his expedition to the Holy Land. Though this measure may have been wise, perhaps just; yet it is a proof of the madness with which Richard set out in the beginning of his reign. The revenues of the king are the revenues of the public; and Richard himself alledged, that it was not in his power to alienate any thing belonging to the crown, whereby his state was to subsist. This maxim he now openly avowed, and, as soon as he came to Worcester, he disseised bishop Godfrey of the castle of Winchester and the county of Hants, with two manors, which he had bought of the crown before the expedition to the Holy Land. As this measure was in itself very popular, Richard was under no apprehension of not being supported by his parliament, which was to meet at Winchester.

On the 17th of April the session was opened by the coronation of the king. This was performed by the archbishop of Canterbury, who, with the other bishops, invested Richard with all the regalia in his own chamber. From thence he marched

A. D. 1194.

Dispute between the followers of the bishop of Durham and the Scotch king.

Richard intends to resume the crown revenue.

He holds a parliament at Winchester.

A. D. 1194. to St. Swithin's church in procession, four earls supporting his canopy, and three swords, as at his former coronation, being carried before him; the first by the king of the Scots, as earl of Huntingdon, with Hamelin earl of Warren on one hand, and Ranulf earl of Chester on the other, carrying the other two. Upon their return from the mass to the palace, a magnificent dinner was served up by the citizens of London and Winchester, and the former made a present to the king of two hundred merks. Some of our authors have been fond of making this second coronation an expedient of Richard's, for his having made over the crown of England in homage to the emperor while he was prisoner in Germany; but this fact has never been perfectly made out, and if it were, it never could affect the independency of the crown of England, which no private act of the king's can dispose of. It is therefore more reasonable to believe, that Richard's long absence made him agree to his second coronation, as a new commencement of his reign; and that the rather, because the practice of crowning a second time, or oftener, had been common with former kings of England.

He annuls many of his past bargains.

All this time the great work of re-assuming the crown revenues was proceeding under various pretences, all of them justifiable, but none of them true. Sometimes Richard pretended, that his bargains were only made by way of mortgage, and that it was time they were now redeemed; sometimes he said, that the necessities of the state compelled him to make such bargains; sometimes, that the parties had already indemnified themselves by the profits of the estates which had been sold them; and sometimes, that if they had not, he would take care that they should. With the help of these colourable pretences, and of the nobility, whose interest it was to see the crown revenues restored to their old standard, Richard bore down all opposition to his project. Even the meddling, aspiring bishop of Durham thought proper to make a virtue of necessity, and offered to resign into Richard's hands his county of Northumberland, with its castle and other appurtenances, which he had so dearly purchased. Richard accepted his proffer, but ordered him to put them into the hands of Hugh Bardolf, who, by this time, had probably found the means of buying himself into the king's favour. This alarmed the king of the Scots, and he now applied to purchase that in sale, which he had before claimed as a right. Upon his offering to pay down fifteen thousand merks for the whole, and intimating his other rights, Richard agreed to put into his hands all the county of Northumberland, reserving to himself, at the same time, possession of all its castles and forts; but this the Scot wisely refused to accept of.

Offers to give the king of Scotland Northumberland, without its castles, for fifteen thousand merks.

He reconciles the chancellor and the archbishop of York.

Richard, being now in a fair way of succeeding in this great point, laboured to reconcile two great subjects, whose variance gave him much uneasiness. The former was Longchamp bishop of Ely, considerable only through Richard's profusion of favour;

the other was Geoffrey archbishop of York, distinguished by his high birth, his spirit, and fortunate adventures in life. All controversies, at last, were made up between them, upon condition that Longchamp should swear, if called upon to do it, with a hundred priests his compurgators, that he neither commanded nor desired that the archbishop should be imprisoned. Richard now went on in his fleecing schemes, which he compassed the more easily, as there was no opposition to the measures of his government. Among other methods, he raised a sum from those who had been taken prisoners within earl John's castles; and they who were not able to pay down any thing considerable, by way of composition, were forced to give security, in a hundred merks, that they should stand to the judgment of the king's court.

Richard's various methods of raising money.

Public profusion is ever followed by public oppression; so was it with Richard. The money he had by these means extorted, was but barely sufficient to enable him to make head against the king of France, who had by this time again invaded Normandy, and laid siege to Verneuil. Richard hearing this, on the 24th of April, 1194, came with the queen mother to Portsmouth, but found the wind contrary. Impatient at this, he attempted to pass over in a galley with oars, but was driven back to the isle of Wight; it was therefore the 12th of May before the wind presented fair, and then he sailed from Portsmouth with one hundred large ships, carrying a great number of soldiers and military stores.

He carries war into France.

In the mean time, the ambition of earl John, and his views in England, were entirely disappointed; he found himself little regarded at the French court, and began to reflect that in a little time he might sink into total insignificancy. To prevent this, he meditated how to reconcile himself to his brother Richard; and, according to the French authors, he gave an infamous bloody pledge of his sincerity. For having been by Philip appointed governor of Evreux, he thought of delivering up the place to Richard, to whom the citizens were in general well affected. But he found an invincible obstinacy in the fidelity of the garrison. This he resolved to remove by the following method: He invited about three hundred of the principal officers to an entertainment, and, in breach of hospitality, faith and humanity, he murdered them all by the assistance of the citizens, and then declared for the king of England. Philip was employed in the siege of Verneuil when he received the news of this barbarous massacre. His indignation made him resolve to make reprisals. Accordingly he privately marched, with a chosen detachment, to the town of Evreux, which he entered, and put to death all the English within it. But while he was employed in this expedition, which took him up longer time than he proposed, Richard had landed in France, and advanced to raise the siege of Verneuil. The absence of the king of France occasioned a report of his

Earl John disappointed and reduced.

His bloody adventure.

A. D. 1194. his death among his own men. This report brought on a consternation, which improved into a panic, and a total rout ensued.

Richard defeats and pursues the French.

He raises the siege of Mirabel,

Richard immediately gave orders to pursue the French army, which was done with great slaughter for some miles. In the mean time, the garrison of Verneuil making a sally, became masters of the French camp and baggage; and Richard returning from the pursuit, triumphantly entered the city, which had been upon the point of surrendering. Having repaired the breaches, he marched to raise the siege of Mont Mirial, called by our historians Mirabel. This castle was invested by the Anjovines and the inhabitants of Maine, Richard's own subjects, whom Philip had prevailed upon to rebel. Richard had, for some time, depended upon the brother of his queen, Alphonso prince of Navarre, who had undertaken the command for him in those parts. But the death of the old king of Navarre obliging that prince to return home, the rebels took the castle, and razed it, before Richard could come time enough to relieve it. The prince of Navarre had left some troops of his own country, and some Brabasons, who were at this time carrying on the siege of Loches, one of the towns delivered to France by Richard, by his last treaty with Philip. As the place was strong, the siege advanced very slowly; but Richard now marched to enforce it, after taking Tours in his way. Upon his arrival, the besiegers resumed their courage, the town was taken by storm, and all within it made prisoners.

and takes Loches.

A treaty set on foot.

In the account I have given of the opening of this campaign, I have chiefly followed the French historians, who are here somewhat more consistent than the English, tho' there is but little difference between them in the main. Thus much is certain, that the advantages on both sides were hitherto pretty equal, so that the proposal for a peace was listened to by both parties. Pont del Arche was named as the place of meeting; and the archbishop of Roan, with the seneschal and constable of Normandy, were appointed Richard's plenipotentiaries. But Philip, for some reason which has not come to our hands, neglecting to send any plenipotentiaries to the place appointed, the project came to no effect. Philip, in the mean time, reduced the castle of Fontaine, within nine miles of Roan; but he was set upon by the earl of Leicester in an ambuscade, which then cost the earl his liberty, and ten thousand pounds for his ransom afterwards. Some time before this, earl John, presuming on the bloody service he had done his brother, in putting him in possession of Evereux, dealt so effectually with the queen mother, that she engaged to make his peace with Richard. Accordingly, every thing being settled, earl John was presented to the king by his mother, and, upon making deep submissions, received pardon; Richard wittily adding, "I wish I may forget your offences as soon as, I doubt, you will my forgiveness." But this pardon extended

only to the earl's life, it being some time before he was restored to his estate.

A. D. 1194.

Another treaty proposed,

The propositions of peace once more now took place, and a conference was appointed to be held at Vaudreville. Richard's plenipotentiaries were the same as at Pont del Arche; and on the part of the king of France appeared the cardinal archbishop of Rheims, the earl of Nevers, and the earl of Barr. But the views of the two parties were very different; for, though Philip had no great reason to boast of advantage since Richard's arrival in France, yet the places he had taken before rendered the other a great loser since the commencement of hostilities. Besides this, Philip had owed his successes, in a great measure, to the defection of Richard's subjects, at the solicitation of earl John and other great noblemen. Philip, therefore, thought himself bound both in honour and interest, that all those rebels should be comprehended in any treaty that should be made, since, by John's submitting without any terms, they were exposed to Richard's resentment. Richard, on the other hand, was furious after revenge and money, both which he proposed to obtain, by having the rebels left to his mercy. From those considerations, it was no wonder if this conference came to nothing. Hostilities therefore recommenced with greater fury than ever. But fortune now seemed to favour Richard. The two armies lay near one another, the English at Vendosme, the French at Fretteville; but Richard was better posted than the king of France, whose business it was to draw him from his camp. With this view, Philip sent him a kind of bravading message, That he intended that day to attack him. Richard's answer was, That he attended his pleasure; and if his brother of France was not as good as his word, he would himself pay him the first visit. While those messages passed, Philip had actually formed his army for a march; which Richard perceiving, attacked his rear with so much fury, that the whole French army was put to a total rout, attended with a great slaughter, and left the English in possession not only of the field of battle, but of all their baggage and their military chest, which contained all the pay for their army. But what was a treasure more valuable than all this to Richard, at this juncture, because a more irreparable loss to Philip, was the seizure of all the French records, archives, treaties, and, in short, all the papers which could give Richard any light into the situation, revenues, alliances, and oeconomy of the French king and court, with all the original lists and conventions formed between Richard and John, during Richard's captivity. In short, the French historians themselves deplore this loss as irretrievable, and inform us, that the old kings of France used to carry along with them, while upon long journies, moveable repositories of all their public registers, for the conveniency of deciding any differences which might arise among their feudatories and great military tenants.

which comes to nothing.

The French entirely defeated.

Their great losses, especially in papers.

Mezeray; Daniel.

Earl John reconciled to Richard.

A. D. 1194.

The French historians, but I think without much countenance from ours, tell us, that, soon after this defeat, Philip attacked a body of Norman troops, which, under earl John and the earl of Arundel, were besieging the castle of Vaudreville, and, after cutting them in pieces, seized all their machines, baggage, and provisions, and thus raised the siege of the place. This account is by no means improbable, when we consider Richard's dispositions, and what followed immediately after: for proposals of peace were now entertained in good earnest by both sides, and commissioners from both were appointed to meet, between Verneuil and Tiliers. The conferences were held under the sanction of the pope's legate, and, after various debates, a truce was agreed upon in the following terms:

Another treaty.

Tyrel.

"That the king of England should hold all the lands which he had then in possession; and the king of France should peaceably hold those towns which he had taken; and that, in the mean time, it should be lawful for either of them to strengthen or fortify those castles, or strong places, which they already held whole and entire; but the others, that were demolished, were not to be re-fortified, except four castles there mentioned, which the king of England might fortify, if he so pleased."

There were also comprised within this truce the earl of Angouleme, and other noblemen who had taken part with king Richard; and two arbitrators were to be appointed by each king, who were to judge of all injuries and breaches of this truce that should be committed during the same. At the same time the legate was to fulminate his interdicts upon those who should break this truce. This treaty was concluded on the 23d of July, 1194, and was to hold for one year.

Character and views of the emperor Henry VI, who aspires to universal monarchy.

But the differences between the two kings, and the state of the affairs of Europe, were too complicated to suffer any thing like peace for so long time. The emperor Henry VI, the same who had unjustly detained Richard, was a haughty, turbulent, aspiring prince, disowning all law but that of the sword, neglecting all duties but those of the field, and without all affections but for power. His pride had inspired him with wild notions of universal monarchy, and if ever he stooped, it was upon occasions which he thought could best contribute to that favourite design. With this view it was that he had caressed Richard, and had swelled him with the thoughts of a new diadem, over kingdoms which were yet to be conquered, and a people who owned other lords. He knew that such an attempt must equally weaken Richard and Philip; and that, should the former succeed, it would be always in his power to strip him of his conquests, because of their distance from his other dominions. He had, at this time, taken advantage of Tancred's death to make

A. D. 1194.

himself master of all Calabria, Apulia, and Sicily, which, together with the other great dominions and superiorities he had in Germany, Italy, upon the Rhine, and in the Low Countries, rendered him more powerful than any of his predecessors had been for two centuries back. It is very possible that, while Richard was in chains, he might have submitted to hold his crown of this emperor; but this was a submission which never could affect the independency of the crown of England, and was made under constraint, to sooth the frenzy of power. There never had been a good understanding between Philip and this emperor since Richard's deliverance from prison, and Philip's greatness now gave him some uneasiness. The readiest way he could think of to humble him, and to bring him to the same submission which Richard had made, was to invite Richard into an alliance, offensive and defensive, against the crown of France. This proposition was made, by his ambassadors, soon after the conclusion of the late peace, and pleased Richard so well, that he, in some measure repented of having made a truce, which bound up his hands from accepting the emperor's proposal; but, in the mean time, he used all means to renew the operations of the war with the utmost vigour, upon the expiration of that truce.

His proposal of an alliance to Richard.

The reader may remember, that the bishop of Durham had tendered a surrender of the county of Northumberland back into Richard's hands. As this surrender had not yet been executed, Hugh Bardolf was ordered, by Richard, to require the bishop immediately to deliver up that county, together with the town of Newcastle upon Tyne, and the castle of Bamborough. Bardolf, who hated the bishop, punctually obeyed his master's orders, and exasperated Richard so much by his representations, that the bishop was at the same time disseised of the manor of Sadbury, though it had been annexed to the church of Durham. The archbishopric of York, and the sheriffdom of Yorkshire, were at the same time sequestrated into the hands of lay commissioners, upon a private quarrel between the archbishop and his canons. The king, likewise, besides those two great estates of churchmen, held in his own hands all the lands which he had bestowed upon his brother earl John, together with a great many other re-assumed estates; so that we may now suppose he was possessed of a greater revenue in land than he was when he entered upon the crown.

The bishop of Durham disseised of his estates.

But something still was to be done for an immediate supply of money, the returns of the revenues being too slow for Richard's occasions, and no body would now venture to purchase. Richard, therefore, had recourse to commissioners of inquest, who were sent this year through all the counties of England, and were to enquire, by the verdict of twelve men, into all abuses committed against the government during the king's absence. But the reader will best judge of the nature of this inquisition, by a translation of

Justices itinerant sent upon an inquest through the kingdom.

A. D. 1194. the record itself, which I have given in the notes (1). By considering those regulations, he will be led to reflect upon the great difference between the pleas of the crown

(1) In the month of September, 1194, the king sent itinerant justices through all the counties of England, who were to proceed in doing justice according to the under-written heads or articles.

The form of proceeding in pleas of the crown.

First, Four knights are to be chosen of the whole county, which, upon their oaths, shall chuse two legal knights of every hundred or wapentake; and those two shall chuse, upon their oaths, ten knights in every hundred or wapentake; and if there be not knights enough, lawful and free men, so as those twelve together may answer to all the articles which concern that hundred or wapentake.

Articles of pleas of the crown.

The justices shall enquire and determine new and old pleas of the crown, and all such as were not determined before the king's justices. Also all pleas of novel disseisins (in those pleas the verdict was called a recognition, and the jurors recognitors) and all pleas which were summoned or brought before the justices by the writ of the king or chief justice, or sent before them from the king's capital court. Also concerning escheats (they are lands or profits that fall to the king, or lord of a manor, by forfeiture, or death of a tenant without heirs) what they were, and had been since the king's expedition to Jerusalem; and what were then in the king's hands, and whether they are now in the king's hands or not; if they were taken out of his hands, how and by whom; and to whose hands they came, and in what manner; and who receives the issues and profits of them, and what the profits are; and what was, and now is, their value; and if there be any escheat which belongs to the king, and is not in his possession. Also of churches which were in the king's gift. Also of wardships of children, and young men that belong to the king. Also of the marriages of maidens and widows that belong to the king. Also of malefactors, their receivers and encouragers. Also of falsenars, such as forged and counterfeited false charts and writings. Also of the killers of Jews, who they were, and of the pawns of the Jews that were slain; of their goods, lands, debts, and charts, who had them in their possession, and what their value; the pawns and debts of the Jews to be taken into the king's hands; and those that were present at the killing or murdering of the Jews, and have not made fine or composition with the king or his justices, let them be taken, and not delivered but by the king or his justices. Also of all aids given for the redemption of the king, who, and how much every one promised, how much paid, and how much in arrear. Also of the favourers or abettors of earl John, who have made composition with the king, and who not. Also of the goods and chattels of earl John and his favourers, who are not yet converted to the king's use, how much the sheriffs and their bailiffs have received, and whether any one hath bribed them, contrary to the ancient customs of the kingdom. Also of all the lands of earl John, such as he had in his own hands, his wardships and escheats; of such as had been given him, and for what cause they were given him; all to be taken into the king's hands, unless such as the king confirmed to him. Also of the debts and fines due to earl John, and for what cause due; they were all to be required for the king's use. Also of usurers that were dead, and their goods. Also of wines sold contrary to the assize, and of false measures of wines, and other things. Also of such as undertook the crusade, and died before they set forward toward Jerusalem; who had their chattels, what, and how much. Also of great assizes (so called from the trial of right, which was the greatest trial, and was brought into court by a writ of right; by which the jurors were directed to discover who had more right to the land in question, whether the demandant, or the tenant and possessor) which were of land worth a hundred shillings a year, and under. Also of defaults, that is, non-appearances in court, chiefly at a day assigned. Furthermore, they were to chuse, or see there should be chosen, three knights and one clerk in every county, who were to note and set down, or hold, the pleas of the crown; and no sheriff was to be a justiciary in his own county, nor in any county he held since the first coronation of the king. Furthermore, all cities, boroughs, and the king's demesnes, were to be taxed by the justices itinerant. The justices named (the itinerant justices were named I suppose, though omitted by the historian) together with the bailiffs of William of the church of St. Mary, and Geoffrey Fitz-peter, and William de Chimelli, William Briwere, and Hugh Bardolf (these were commissioners for the management of the king's wardships upon escheats, undoubtedly in the iter assigned to these justices, or perhaps all over England) and the sheriffs of the places, should cause the knights in the county, named in a roll, to be summoned; and that they come at the day, and to the place, they shall have notice of, to swear before them, That they would use their utmost lawful endeavours to stock all the king's ward-lands and escheats, and improve them to the king's best profit; and not omit, for the hatred, fear, or favour of any man. And the knights named in the roll were to chuse, upon their oaths, twelve lawful knights, or lawful and legal freemen, if knights were not to be found, in several parts of the counties in the iter of the aforesaid justices, as they should think fit, who in like manner were to swear, That they would apply their utmost lawful endeavours, counsel and help, to stock, improve, and let to farm, the king's ward-lands and escheats in those parts, to the profit of the king as aforesaid. And the said jurats, or sworn persons, were, upon their oaths, to chuse of the best freemen residing upon the escheat or ward-lands, so many, and such as they thought fit for their purpose, to manage the king's business, as it might best be done for his profit. And they were directed to stock (in those times, and two or three hundred years afterwards, the king, but especially the bishops, abbots, temporal nobility and knights, kept much and many of their manors and lands in their own hands, and stocked and managed them by a præpositus and servant, and sometimes let them to farm stocked) the ward-lands and escheats with the issues and profits of them, until Michaelmas; and if that was not sufficient, what wanted was to be supplied out of the king's tolls; so that they which took to farm these ward-lands and escheats, were to answer for them from Michaelmas as stocked. And the king would warrant, to such as held them in farm, those ward-lands and escheats from year to year, during their term; so that, although the king gave any of them to any one, yet the farmer should hold his farm until the end of the year, paying what should be due from the king; but the incidents, as royalties, forfeitures, &c. which happened upon the escheat the king granted, were to remain to the king, unless the king granted them particularly, and by name, that is, by express words. The farmer, when he leaves his farm, shall take off all his own stock he set upon it, besides the king's stock, freely, without diminution; and they shall have the letters patents of the archbishop (as chief justice) containing the tenor of the king's chart made concerning this matter. They were to enquire what was the rent of assize (this was such as are now called white, or quit-rents) or constant rent, in every manor of the king's demesnes, and the value of all things upon these manors; and how many plough-lands or carucates they contained, and what their value, non-estimating them at twenty shillings only the plough-land; but more or less, according as the land was better or worse. Those that took farms might stock them with the profits of the lands as aforesaid. They were also to enquire how many horses and oxen ought to be kept for the tilling of every plough-land, and what stock every manor would maintain, and clearly and distinctly to put them in writing. A plough-ox was then valued at four shillings; a cow, and plough-horse, at the same rate; a sheep with fine wooll at ten-pence, and with coarse wooll six-pence; a sow at twelve-pence, and a boar at twelve-pence. And when the farmers left their farms, they were to pay so much money, or leave so many saleable beasts, at their choice; and when all the ward-lands and estates were stocked, improved, and valued, they were to be inventoried clearly and distinctly, and the inventory carried into the Exchequer. Bishoprics, abbacies, and the lands of barons near age, were excepted out of this constitution. They were to enquire, by the oaths of the persons aforesaid, of all wards and escheats that were not in the king's hands, that they might be taken into his possession, and ordered as the others.

The judges itinerant were to hear and determine all pleas of the crown, new and old, which were not determined before the king's justices; and all assizes (by assizes here are meant the ancient writs, by which actions were brought either for right or propriety, by a writ of right or possession, by a writ of the death of an ancestor, or of novel disseisin, by a writ of that title, &c.) death of ancestors, novel disseisins, and of great assizes, so far as ten pounds by the year, of land, and downwards; and of advowsons of churches. The actions of the great assize (or a writ of right, by which the property was tried) was brought by the mandate, or writ of the king, or his capital justices. They were to enquire of vacant and full churches, which were in the king's gift, who gave them, and who had them, and what their value: of the king's escheats, their value, who had them, and by whom: of ladies, young gentlemen, and women, which were or ought to be in the king's gift, (that is, as to marriage) what the value of their lands, and whether they were married; to whom, by whom, and how long. They were also to enquire what widows had not fined or compounded for licence to marry themselves, and the fine to be taken to the king's use: of the king's serjeanties (lands held by men in all counties, for some particular services performed to the king) who hath them, and from whom, and their value; and who of them contributed toward an aid to the king, or who not; and let the fine or composition for the aid be taken to the king's use: of the usury of Christians, and of their goods, and what usurers (the king had the goods of usurers after their death) were dead: of those that were in the king's mercy, and were not amerced or fined: of purprestures (encroachments upon the king's lands, his highways, diverting or stopping water-

A. D. 1194. crown in those days, and at this time; though even then, the laws of this nation had lost great part of that venerable simplicity which so much distinguished them in the times of the Saxons.

Richard's oppressions in France.

As Richard's rapaciousness was boundless, so its effects were general. His dominions in Normandy, as well as in England, felt it: for he instituted the like courts of inquisition there; but all were ineffectual for supplying his exigences. Among other stratagems he made use of for that purpose, he pretended great resentment against Longchamp his chancellor, for concluding the late truce with the king of France. The matter went so far, that he deprived Longchamp of the great seal; but, at the same time, ordered another to be made, by which all his grants were to be confirmed, the parties paying a certain sum for the same. But this had not only a prospect, but a retrospect; for he ordered it to be proclaimed through all his dominions, that nothing should be firm, or of force, that had

been sealed with his old seal; and commanded that all who had charts should come and renew them at his new seal.

While the spirit of crusading obtained, and a little before, the practice of tilting and tournaments had prevailed mightily all over Europe. It seems to have been of moorish original; and was perhaps communicated to the remote part of Africa (unsubdued by the Goths) from the Romans, who appear to have practised it in some degree even in the times of Augustus. But the popes finding that the young nobility and others addicted themselves more to those sports, and spent in them more of their estates than was consistent with their favourite expeditions into the Holy Land, had forbid all such entertainments, under severe censures. They were still, however, in great vogue with the gay and active part of mankind, and frequently practised, notwithstanding all the interdicts of the church. As the admirers of this diversion were those who could best afford to furnish money, so Richard rightly thought,

A. D. 1194.

His tax upon tilts and tournaments.

Virg. En. 1. 5.

water-courses, encroaching upon streets in cities and boroughs, &c.) or the king's ways straitened: of treasures found: of malefactors, and their receivers: of fugitives, who had been accused, and were returned since the last assize: of all weights and measures, and ells renewed; and if four men, that were appointed to look after them in every town (that is, city, borough, or market-town) had done as the statute required, and had attached or prosecuted the transgressors, or not; if not; they were to be punished as the transgressors. All his wine, that was sold contrary to the assize or statute, was to be seized to the king's use; and the owners and sellers of the wine were to be in the king's mercy, that is, to be punished by him. They were to enquire how many hides and plough-lands there were in every county, and whether the officers appointed to assess and collect the five shillings upon every plough-land, had done their duty, and had received of it all, or concealed any: of the officers of sea-ports, if they had received any thing they had not given an account of, or taken any thing for concealing the king's right; or if any one had received any thing, that was not appointed a receiver. They were to enquire if all came as they ought, that were summoned by the king's justices, and what they were that came not, and what their names.

Before this iter, or these circuits of the justices were over, the iter or circuit of the forests began. The king commanded Hugh Nevill, chief justice of all the forests in England, Hugh Wac, and Erniss Nevill, That in every county through which they went, they should summon to appear before them, at the pleas of the forest, the archbishops, bishops, earls, barons, and all free tenants, and the reeve, and four men of every town, to hear the king's commands.

This is the assize of the lord the king, and these are his precepts, concerning his forests in England, made by the assent and advice of the archbishops, bishops, earls, barons, and knights of the whole kingdom.

The king declares, that if any one forfeits to him concerning his venison, or his forests in any thing, he is not to trust to this, that he shall only be punished in his goods, as hitherto; for if, after that time, any one forfeited, and was convicted, he should have full justice done upon him, as it was in king Henry his grandfather's time; that is, he should lose his eyes and testicles. Also the king forbids that any one have bows and arrows, or hounds, or greyhounds within his forests, unless he had the king's warrant, or the warrant of any other that was of right able to protect him. Also the king forbids, that no man give or sell any thing, to the destruction of his wood, nor do waste in his forests; but he grants, that any man may take of his own wood as much as he shall have need of, without waste, and this by the oversight of his forester and verderers. Also the king commands, that they, who have woods within the bounds of the forest, do set good workmen (forestarios must be so translated here, and the word will bear it; for foresta, in a strict sense, signifies, silva sal-tus, &c.) to look after them, and such as they will be answerable for, or such as can give security to make satisfaction, if they offend in any thing that belongs to the king. Also he commands, that his foresters take care of the wood-men of knights, or others who have woods within the bounds of the king's forests, that they do not destroy the woods; for if their woods were destroyed, he let them know whose woods they were, he would take satisfaction of their lands, and not from any other person. Also the king commands that his foresters shall swear, that, according to their whole power, they shall keep his assize, or law, which he hath concerning his forests; and that they shall not vex or trouble the knights, or worthy men, about what he granted them concerning their woods. Also he commands them, that, in every county wherein he hath venison, there shall be twelve men appointed to preserve his venison and greenhue (viride, that is, the green wood and herbage of the forest) in his forests. And that there shall be four knights appointed to agist his woods (that is, take in a certain number of cattle to feed therein a certain time, or to assign the number of cattle to such as had right to feed in the forest) and to receive his pannage, or pannage (that is, the money due for such feeding) and to preserve it, that it should not be diminished. Also he commanded no man might agist his woods (that is, put their cattle into them) within the bounds of his forest, before their own woods were agisted. And it is to be noted, that the King's agistment (or right of feeding cattle in the woods or forests) begins fifteen days before Michaelmas, and continues fifteen days after. Here must be some mistake; but how well to rectify it, I know not. Also the king commands, that if his woods, that were in his own hands, or in demesne, were destroyed, and his forester could not tell how, his body should be imprisoned. Also he commanded that no clerk should offend concerning his venison, or forests; and that if his foresters found them offending, they should take them, and he would warrant them therein. Also the king commanded, that all effarts, as well old as new, (these are places where underwood and bushes had been stubbed up, and the land plowed and sown) which were within regard or view of the forest, should be viewed once in three years; and, in like manner, all purprestures and wastes in woods; and that every one should be enrolled by itself. Also the king commanded, that the archbishops, bishops, earls, barons, knights, and free tenants, and all men of his lands, should come to the pleas of the forests, at the summons of his master forester. It was also forbidden, at the pleas of the forest, that no cart or waggon should go out of the way in the forest, nor hogs be in the forest, at the time of soinefon (fannatio, the time when the deers fawn; soinefon, or faonefon, from the French faona, a fawn;) that is to say, fifteen days before St. John Baptist, and fifteen days after. And it is to be noted, that he who takes venison in the king's forest, and shall be thereof attainted, shall be in the king's mercy as to the losing of his eyes and testicles. And he that offended in the king's forest in the greenhue, or vert, by chopping down trees, or lopping off the branches, by digging turfs, or slaying, that is, taking the greensward of the ground, by cutting away the under part of the thickets, by effarts, or new purprestures, by hedges, or ditches, by erecting mills, making new water-courses, erecting sheep-cotes, or lodges, or other houses, by mowing hay beyond the hedges and ditches, shall be in the king's mercy for his goods, unless he hath the king's verderers, or foresters, to warrant him. In like manner, he that carries bows and arrows, or dogs uncoupled, through the king's forests, and was thereof attainted, was in the king's mercy. It was also decreed, that, once in three years, there should be a view of the forest; and in the regard, or view of the forest, these things were to be observed: what old or new effarts were sown since the last review, and with what grain. The new effarts were to be taken into the king's hand. If the old effarts were sown with wheat or rye, every acre was to yield to the king twelve-pence for that crop; and every acre that was sown with oats, barley, beans, or pease, was to yield the king six-pence for that crop. Brady.

that.

A. D. 1194.

that, to make them pay for their entertainment, was laying a tax upon luxury. He, therefore, instituted an office, somewhat of the nature of our lord chamberlain of the household, with a power to inspect all revels and public diversions, and gave the post to the earl of Salisbury. His instructions were, that all who practised tilts or tournaments, or exhibited feats of arms, should pay in the following proportions: "An earl, for licence of tilting, twenty merks of silver; "barons, ten merks of silver; every knight "that had land, four merks of silver; every "knight that had no land, two merks of "silver. And he commanded that no knight "should be admitted to the place of tilting, "unless he first paid down his money." The collector of this tax was Theobald Walter, brother to Hubert, high justiciary and regent of the kingdom.

He pardons the archbishop of York and the bishop of Coventry.

The pardon of illustrious offenders was another fund that furnished Richard with money. The temporalities of the archbishopric of York, as we have already seen, were sequestered into lay hands. That prelate, therefore, this year went over to Normandy, where he offered Richard three thousand merks, two thousand to be immediately paid, and one thousand upon his return to England, provided he was restored to the temporalities of his archbishopric. The bargain was soon struck, and Richard furnished him with letters to William de St. Mary's, and Hugh Bardolf, the trustees, to put him in possession of all his revenues, without any further disturbance, upon his paying down the third thousand merks. The offending bishop of Coventry made such another bargain; but was obliged to pay five thousand merks to be restored to the king's favour and his own bishopric.

The duke of Austria claims the residue of the ransom;

but afterwards remits it.

The duke's death.

In the mean time, the covetous archduke of Austria grew very uneasy, because the money to be paid him, as his share of Richard's ransom, was not yet discharged. Several hostages for payment of it had been put into his hands, and those he threatened with death, if the debt was not paid. All the favour they could obtain was, a respite of their threatened doom till the return of one of them from England, who it was agreed should be sent over to lay their case before the government. Baldwin de Betune was sent over for this purpose, and afterwards coming to Richard in Normandy, prevailed with him to interpose in favour of the hostages, and, as an earnest of his intentions to fulfil the conditions of his agreement, to send back with him his niece Eleanor, daughter to his brother Geoffrey duke of Brittany, to be married to the young prince of Austria. But a new face of affairs soon presented at that court; for the duke of Austria happening to fall from his horse, broke his leg so unfortunately, that the bones piercing the skin, the fracture gangrened, and brought him to his end. But, before his death, touched with remorse at his conduct towards the king of England, he ordered the hostages to be set at liberty, and the balance of the ransom to be released. As this amounted to

a very considerable sum, his son and successor, the same who was espoused to the princess of Brittany, refused to obey his orders. But Richard was now popular with the clergy, as well because of his zeal in the expedition to the Holy Land, as for his sufferings afterwards. They insisted so strenuously on the performance of the late duke's will, that they denied burial to his body till it should be fulfilled. In effect, the young duke was obliged so far to comply, as to set the hostages at liberty, and to remit four thousand merks of the ransom; but, at the same time, he sent back the princess of Brittany, his intended spouse, with Baldwin de Betune.

Richard kept his Christmas this year at Roan. The truce which had been concluded with Philip, was, as the latter foresaw, attended with no tranquility; for though the two kings refrained from hostilities, yet their vassals still invaded one another's estates with the same fury as before. Richard, all this time, was continuing his preparations to renew the war with greater vigour than ever, upon the expiration of the truce. His intentions were quickened about the beginning of the year 1195, when ambassadors from the emperor arrived, with a present of a crown of gold, as a token at once of affection, and of Richard's possession of his feudal rights to the kingdoms which were yet to be conquered. The ambassadors, at the same time, had it in commission to lay before Richard the necessity of opening the campaign very early in the year, by attacking the territories of the crown of France; and likewise to insinuate, that the continuance of the emperor's friendship, and the safety of Richard's hostages, depended in a great measure upon the latter's compliance with this requisition. They were also to present Richard with a new plan of an offensive alliance against Philip. A negotiation of so great importance was not to be concluded by the king of England, without mature deliberation; for though he was in his own heart entirely for it, yet he must be supported in the execution by his subjects. He communicated the emperor's proposals to his council, who seemed no way averse to accept them; but the experience they had both of Philip and the emperor, put them under some apprehensions lest the whole should be a scheme concerted by those two powers, that they might have a more plausible pretext for falling upon Richard with their joint forces, and dismembering his dominions. This suggestion struck Richard himself, and he agreed that the emperor should be sounded with regard to his real intentions. This was too important a negotiation for him to trust it with any other than his favourite, the bishop of Ely, who, to please the people, before this time had been removed from all his posts in the government, but still retained all his influence with the king his master. He was therefore dispatched to the imperial court, with private orders, if he should find the emperor sincere in his propositions, to concert with him

A. D. 1195.

Richard receives a crown of gold from the emperor.

The bishop of Ely sent to sound the emperor.

A. D. 1195. him the contingencies of troops which both powers were to furnish, and to lay down a full plan of operations for the approaching campaign, the places they were to attack, and the countries where they were severally to act.

This negociation was not so secret, but it took air. Philip was remarkable for good intelligence in all the cabinets of Europe. He knew that the bishop of Ely was to pass through some part of the French territories, and he thought, that if he could intercept that prelate, he should learn enough to enable him to disconcert the whole negociation. But Longchamp escaping all his snares, he sent a messenger to Richard, acquainting him, that he was no stranger to the negociation he had entered into with the emperor, who was his professed enemy; and that he looked upon the truce between them as now at an end. It is to this period that we are to refer a proposal, said, by our old historians, to have been made by Richard to Philip. It was, That five combatants on each side should be chosen, who were to decide all differences between them by the sword. Though this proposal is unlike the character of Philip, yet the answer said to be returned is extremely like that of Richard. "I agree, said he, to the proposal, provided my brother of France is to be the fifth man on his side, while I shall be the same on mine." Thus the challenge came to nothing.

[Diceto.]

His proposal to Richard.

Philip endeavours to intercept him.

Philip distresses Normandy.

Upon the return of Philip's messenger, both parties took the field. But we are informed, by our historian, that Richard being about this time at Chinon, sixteen Saracens, in the habits of pilgrims, were sent to murder him by the king of France; but that being discovered, they were disappointed, and forced to confess the whole of their conspiracy. Though there is no doubt that princes have been guilty of such infamous practices, yet the whole of this account is highly improbable, and very possible the whole was invented to give the English and Normans new spirit against the court of France. Hostilities now went on with unparalleled barbarity; but Philip's army being inferior in the field, he was resolved to distress Richard's dominions, by demolishing all the castles he had taken in Normandy, and withdrawing his garrisons from them to encrease his army. Richard, on the other hand, fell with a great army into the dominions of France, carrying along with him fire and sword, and destroying houses, corn, and cattle, as if resolving that famine and desolation should succeed the ravages of the sword.

Though the treaty offered by the emperor, and the confederacy which he proposed should follow against France, were both of them founded upon right maxims of policy, both for England and Normandy; yet Richard's council still entertained an invincible aversion to his entering into the war, upon the impracticable prospect of conquering the dominions presented to him by the emperor. They found this to be Richard's real inten-

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tions; and though they approved of the confederacy, yet they disliked its ends, which they foresaw, with a prince of Richard's sanguine complexion, must end in the total impoverishment both of England and Normandy, without any solid advantage, even in case of success, accruing to either, the dominions to be conquered being held in fee from the emperor, who might as easily resume, as he had interestedly granted them. For those reasons Richard's ministry were incessantly labouring during the absence of Longchamp, the greatest bar to their endeavours, as he always flattered his master's passions, to procure an interview between their king and Philip. At last, they succeeded so far, as to bring them together near the castle of Reole. Philip's engineers were at this time busy in preparing to demolish this fortification, and had made great progress in undermining it. While the two kings were in conference, great part of the walls actually fell in. Richard thereby alarmed, at first looked upon it as treason against his person, and accused Philip not only of this, but of his insidious dealing, in demolishing one of his castles while they were treating of an accommodation. Thus both princes parted, without coming to any resolution but that of renewing their operations with fresh fury. Richard then attacked the French army with so much quickness and resolution, that it was obliged to retire, Philip escaping narrowly being drowned, by a bridge he was passing breaking under him. Though this accident prevented Richard's pursuit, yet it put him in possession of the castle of Reole, which was not yet entirely demolished, and of a great tract of country, which he most unmercifully ravaged, without resistance.

A. D. 1195.

A conference effected between the two kings.

Hostilities recommence.

Another accommodation set on foot.

The English ministry failing in this project, found another for the accommodation of the two powers, and with better success. Alphonso the eighth, king of Castile, had, some time before this, received a great defeat from the Saracens, and was now applying at the courts both of Richard and Philip for assistance against the infidels, whose progress was now formidable to Christendom, and, as Alphonso represented, encouraged chiefly by divisions among Christian powers. This was the strongest motive that could be applied to bring Richard to a new conference for an accommodation with France. The two monarchs again met, and a plan of peace was proceeded upon. The principal articles were, that Eleanor the princess of Brittany should be married to Lewis, son and heir to Philip; That Richard should, in consideration of that alliance, renounce all his pretensions upon Gisors, Neuffle, and Beaumont: That he should yield up all he held in the Norman Veuxine, with Vernon, Ivri, Paci, and pay down twenty thousand merks of silver besides; but this I take to be the same sum which had been stipulated to be paid so far back as the treaty of Messina. The king of France, on his part, was to yield up to Richard certain castles and lands, which he pretended belonged to the earldom of Angouleme, together with the earldoms of Au-

A. D. 1195. male and Eu, with Arques, and several other fortresses he had taken from the commencement of the war. But the only definitive measure which was executed in consequence of this conference was, the re-delivery of the princess Alice into the hands of her brother, after a long and melancholy abode, or rather captivity in England and Normandy. This princess was soon after married to the earl of Ponthieu.

Communicated to the emperor,

Every thing being ready for the conclusion of this treaty, which must have restored, upon equitable terms, peace to both crowns, Richard started an objection against ratifying it before he had acquainted the emperor. This objection was just and well founded; but it discovers, at the same time, how inconsistent his conduct was, to entertain, at once, two negotiations so diametrically opposite as those he had entered into with the emperor and the king of France. There is no accounting for this upon the face of the history; and it must have been owing to a political facility of temper which hung about him when not employed in the field. Perhaps the instances of his mother did not a little contribute to this event, she having now great motives for standing well with the crown of France. Whatever may be in this, Richard dispatched fresh instructions to the bishop of Ely, who was all this time labouring to perfect the great project of a confederacy against the power of France. But his new instructions disconcerted all he had been doing. They were, that he should lay before the emperor the heads of the treaty in dependence, and endeavour to get his consent that Richard should ratify it. This was by no means agreeable to the emperor; he declared, that he was willing to employ all his forces, that Richard should suffer nothing by his captivity; nor, in consequence of what had been done against him then, that he should be obliged to make any concessions of power or territory. He even offered to remit seventeen thousand marks of silver, which still remained to be paid of his ransom, and immediately to take the field with his army against France. The bishop of Ely undertook in person to communicate those propositions to Richard before the feast of All-saints, which was appointed for the ratification of the treaty with France.

who condemns it.

The conferences rendered fruitless.

No sooner were they laid before Richard, than all his pacific schemes, and all his ministry had been so earnestly labouring, vanished; but he kept his resolution a secret within his own breast, having yet no justifiable pretext for his change of sentiments. The octaves of All-saints was the day on which the two monarchs were to meet, to put the last hand to the treaty, and Vernueil the place. According to our historians, nine in the morning was the hour appointed for the conference; and Richard, who perhaps wanted but a colourable reason to break off the agreement, took care to be there before that hour. Whether Philip, as is probable, had already a scent of Richard's intentions, or whether he really was engaged in business,

is not clear from history; but it is certain that he sent the archbishop of Rheims to acquaint the king of England, that he was then in council, and not prepared to appear before the hour appointed for the meeting. Richard, upon this, went back to his quarters; but as he had already given his presence in waiting for the king of France, he refused to appear again at nine. This Philip looked upon as a breach of agreement, and mutual reproaches passing, both princes again took the field more exasperated than ever. Upon the whole, it is plain that Richard was to blame, in thinking to dally as he did with a prince of Philip's penetration and distinction; but he was soon brought to other sentiments.

A. D. 1125.

For Philip now fell into Normandy with great fury, while Richard was employed in besieging the castle of Arques. According to the French historians, he attacked Richard with no more than six hundred chosen men of arms, and struck such a panic through all the English army, that they abandoned the siege. From thence Philip marched to Dieppe, which had been lately built, or rather rebuilt, by Richard; but was now stormed by Philip, who not only demolished the town, but burned all the shipping in the harbour, by the help of wildfire, a composition which he had learned in Palestine, or rather had imported from thence. Richard, in the mean time, collecting his force, had almost cut Philip off, in an ambush prepared for him as he returned from Dieppe. The French king escaped, however, with the loss of almost all his rear-guard, which was cut in pieces. The next operation we meet with, in this campaign, is, the siege of Iffondun, which was taken by Richard's mercenary Brabasons, a great number of whom he kept in pay. But the town was soon after retaken, and its castle besieged by Philip. Richard marched to the relief of this important place, and encamping with all his army near that of the French, every thing seemed to promise a general battle.

The war renewed.

But Richard began, by this time, to perceive that he had been duped by the emperor, who was now prosecuting his views in Italy, without performing any of his engagements with the English court. This infidelity, probably, was placed in the strongest light by Richard's ministers; and his not attacking the French on this side of the Rhine was a proof that all his intentions were to embroil the two crowns of France and England, so as to weaken them, that he might make his advantage of both. The war had been carried on with great loss to both, and no profit to either party; and the season was now so far advanced, that it was death to both parties to keep the field. These, no doubt, were the reasons which determined the two kings, upon this occasion, to sheath the sword; though the historians of each have, from mistaken principles of doing honour to their master, given us very differing and improbable accounts how a treaty came, upon this occasion, to take place. It is, however, certain, that the great men

A project of an accommodation again entertained.

A. D. 1195. men and clergy on both sides; who heartily mourned the effects of this fruitless war, laboured so effectually, that Richard agreed to a suspension of arms, to commence from the 6th of December to the middle of January following. This respite was employed in drawing up the preliminaries of a peace, and it was agreed upon, by the two kings, that they should have a personal interview in the beginning of January, to conclude, if possible, a definitive treaty. I agree with our English historians, in thinking it to be extremely improbable that Richard did any homage to Philip for his French dominions before this conference.

The affairs of England. Character of Hubert. We shall make use of this cessation to view what past in England during the last ten months. Hubert archbishop of Canterbury still continued high justiciary, and regent of the kingdom. He was a minister of great resolution and abilities, but too apt to advance the prerogative, and to consider the poor only as beasts destined to carry the burden of the rich. He had the address, however, to act with great caution, and without doing any flagrant violence to the laws or constitution of the kingdom. This made him as popular among the great vulgar, as he was disagreeable to the small. But an universal clamour now prevailed among the poorer sort all over England. This broke out in many acts of rapine and robbery throughout all the nation. Hubert, however, had the spirit to encounter the evil, widely diffused as it was. In any government, but one constituted like that of England, where all the men of property enjoyed it only by military tenures, and consequently all of them, and their immediate dependants; were soldiers, the suppression of these disorders would have been impracticable. But Hubert knew the great power which always follows property. An oath was circulated all over England, by which the subjects were obliged to keep the king's peace, and neither to harbour nor abet thieves. That, upon notice of any malefactor, they were to apprehend them, and deliver them to the sheriff, who was to keep them in prison till they were freed by the course of law, or the king, or his justiciary's warrant. If the thieves could not be apprehended, they were to be discovered to the king's bailiffs, and a hue and cry being raised, all subjects were to join and aid in the pursuit; they who failed therein, to be themselves deemed malefactors, and committed to the custody of the sheriff, who was to detain them till set free by law. To execute this ordinance (all which had been already implied by the Saxon laws yet in force) commissioners were appointed to take the oath of all persons for the performance who were above fifteen years of age. At the same time certain officers, of the same nature as justices of the peace, had orders to seize all vagabonds, and suspected persons, when presented as such upon the oaths of creditable persons in the neighbourhood.

Those wise and excellent measures had vast effects. Many were seized and imprisoned, while others fled, as conscious of

guilt. It is probable that the bold robber, Robin Hood, lost his life in consequence of this ordinance; for we are told, that he was obliged to take refuge in a monastery; where being betrayed, to shun the scandal of a public death, he consented to be bled to death. But the number of malefactors was now too great to be suppressed without any public commotion attending it; as we shall find in relating the transactions of the next year.

The year 1195 is likewise distinguished by an eminent reformation in Richard's life and manners. This was probably owing to the wise remonstrances and arts of his mother and wife's friends. He had, for some time, neglected the marriage bed; but being, about Easter, visited with a severe sickness, remorse touched him so nearly, that he amply confessed his detestable course of life, and reconciling himself to his queen, treated her ever after with great regard and tenderness. It was owing to the same fit of devotion that this year he ordered restitution to be made for part of the church plate, which had been melted down to make up the sum for his ransom. He likewise sincerely disposed himself to a reconciliation with his brother John, who, for some time, had continued quiet, because deprived of the means to be turbulent. He restored him to the earldoms of Mortaign and Gloucester, with the honour of Eye; but wisely withheld the forts belonging to those estates; and gave him a present of eight thousand pounds of Anjo-vine money, in compensation for his other lands.

In the beginning of January, 1196, the two kings of England and France met, by agreement, at Louviers, where a treaty was drawn up and ratified. The principal articles were, That the Norman Veuxine, Evreux, Marcheneuf, Vernon, Longueville, Gaillon, Paci, Nonancourt, with all their dependencies, should be delivered up to the king of France, with certain fees in Auvergne, which had been long in dispute between the two kings: That the confines of both countries should be settled between Vaudreville and Gaillon, by drawing a line from the river Evre to the Seine; all that lies on the side of Gaillon to belong to the crown of France, and all lying on the side of Vaudreville to Richard.

Richard was to have Iffondun and Garçay in Berry, and all their dependencies: he was likewise to have the earldoms of Eu and Albemarle, Arques, Driencourt, and all the king of France had conquered during the late war, excepting as above; and the king of France was left at liberty to fortify Villeneuve upon the Cher.

As to Andeli, it was to belong to the archbishop of Roan, and was not to be fortified. It was likewise stipulated, that neither power should have over it any claim of fealty (a very extraordinary article!) nor, upon the death of the then archbishop, was it to be re-annexed to either of the contracting parties, but to fall (by way of frankalmoigne) to the chapter of Our Lady at Roan.

It was likewise provided, that the earl of Leicester,

Richard's reformation of his life.

Peace between Richard and Philip. Its terms.

A. D. 1196. Leicester, who had been long prisoner, should be set at liberty. And there was an express article regarding the earldom of Tholouse, by which that earldom was to continue on the same footing it was on at the feast of St. Nicholas preceding. It was likewise stipulated, that the earl of Tholouse and the king of England should be at liberty to fortify the several places in their possessions; that if Raymond, the sixth count of Tholouse, should make war against the king of England, the king of France should furnish him with no assistance; and if he did not chuse to be comprehended in the present treaty, the king of England was not to make war upon him, provided he the said earl was willing to submit his differences with the said king to the arbitration of the king of France.

The two parties break again.

But this treaty served only as a mutual respite, which was necessary for two fierce creatures whose animosities had continued so long, that both were now out of breath. They intended it not as an end of their differences, but the means of renewing them with greater fierceness than before. Their hatred to each other was confirmed, habitual and personal, not to be overcome by any considerations of interest, religion, or policy. The occasion of the treaty being broken, is differently related by the historians of the two nations. Perhaps Richard was the actual aggressor. This I am apt to believe, not only from his own warmth of disposition, but from the manner of our historians, and the reason of the thing. But he seems to have received many gross, though underhand, provocations from France. The earl of Tholouse was still in arms, and secretly abetted by Philip. He disclaimed having any concern in the treaty of Louviers, and declared that he never would put up his sword till he had recovered whatever had been taken from him by Richard before the commencement of the late truce. But Philip found means to affect his rival in a much more sensible part.

Case of the duke of Normandy.

Arthur earl of Brittany, nephew to Richard, was about this time ten years of age. As Brittany was a fief depending immediately upon the duchy of Normandy, Richard claimed the ward of the young earl till he should be of age. Though this claim seems to have been founded upon the feudal constitutions, yet Philip found means to bring over to his interest Constance, the mother of Arthur, who being heiress of Brittany, laid claim to the guardianship of the young earl, who she pretended was to inherit only in her right, which never had yet passed from her. The point was of a difficult nature, and appears not to have been thoroughly settled among the feudists. I am inclined to believe Richard to have been in the right, since Geoffrey his brother had actually in his own person received investiture of the earldom, and the father of Constance had before his death made over to him all his right. But the nobility of the country were naturally on the side of Constance, and unwilling that their master should be educated at a foreign court. A conference had been held between Constance and Richard, upon this

subject, some time before; and she proving very peremptory in her demands, was by him put under arrest. This irritated the Breton noblemen to such a degree, that, relying upon the protection of France, they carried the young earl, who had been left with them, into the most inaccessible parts of their country, and bid defiance to Richard's arms.

A. D. 1196.

It required no great penetration for the king of England to perceive that Philip was the secret spring of all those disturbances; and, unable to countermine him in the cabinet, he resolved to provoke him to the field. This he did, by dispossessing a nobleman (the lord of Vierzon in Berry, a vassal of France) of his estate, and razing to the ground his castle. He next brought materials to fortify the isle of Andely, the most commodious passage between France and Normandy. Both those acts were infractions of the late treaty, and could be justified only by the notorious proofs which Richard had of Philip's unfair dealing. Philip had foreseen what effects the vivacity of Richard would produce, and had kept on foot a strong army. He first sent a body of troops to preserve the remainder of the lord of Vierzon's estate from insults, and he then declared the treaty to be void, laying siege at the same time to Albemarle. Richard was at this time in Berry, and in no concern about the fate of Albemarle, which he knew would make a long defence; but he immediately seized Nonancourt (which, the French say, he got by force of money) and advanced to the relief of Albemarle, which held out for seven weeks. But Philip was well prepared to receive him; for, upon Richard's attacking his camp, the latter was repulsed with great loss; upon which the garrison was obliged to surrender, but upon honourable terms. Philip then razed it to the ground, and advanced to recover Nonancourt, which, though it had been well provided by Richard against a siege, was taken by storm, and its garrison (among whom were many knights and esquires) made prisoners.

Richard attacks Philip.

Those great successes were partly owing to Richard's having sent his Brabasons into Brittany, to reduce that earldom; for, after his repulse before Albemarle, we read, as yet, of little done by him worthy his great name in arms. His seizure of the rich abbeys and monasteries of Clugny, St. Dennis, and la Charite, is indeed mentioned; as is the taking of Gamage by earl John. But it is plain, that in the opening of this campaign Philip had greatly the advantage. But Richard's ministers soon found resources which changed the face of affairs, and brought the monarchy of France upon the brink of perdition.

He ravages Brittany.

The ravages of the Brabasons in Brittany had been such, as to oblige the Bretons, who had been ill supported by France, to deliver up their young earl into Richard's hands. By this means he was freed from a considerable uneasiness on that quarter. But the earl of Tholouse, who was a prince of power and spirit, still kept the field. As it was known

A. D. 1197.

A match between the earl of Tholouse and the queen of Sicily.

known he had his price, a treaty of marriage was immediately proposed between him and Joan, Richard's sister, the queen dowager of Sicily; Richard engaging to give with her the county of Agen, together with an entire resignation of all Richard's demands, as heir to the house of Poitiers, upon the earldom of Tholouse. Thus this quarrel, which had subsisted ever since the year 1159, was at last finally adjusted. Richard's next attention was to fix the earl of Flanders, the old and natural ally of his family, in his interest. A great part of that earldom had been alienated, as we have already seen, by Philip's marriage with the niece of the late earl. Richard, we are told, engaged to recover this from the crown of France; but, though it is extremely probable that he entered into such an engagement, we find no mention made of it in the treaty of mutual alliance between him and the earl of Flanders. It is certain, however, that this prince was afterwards a sincere and useful ally to him.

The earl of Flanders accedes to the peace,

as do many other French noblemen.

The accession of the earl of Flanders to the party of Richard, was followed by that of many more French noblemen, who had reasons, either of injury or jealousy, to oppose Philip. Among others, were the earls of Champaign and Bulloign, with all the interest of their families.

Views of the emperor Henry.

Those alliances seemed to promise a total reduction of Philip. But Richard had still an enemy to manage, who, if confederated with France, might disconcert all his schemes. This was the emperor Henry VI. That prince entertained high resentments against Richard, for his leaving him when he proposed a confederacy against Philip; but he had hitherto been too much employed in Italy, to attend the differences between those two princes. Richard despaired to bring him again to trust him, but thought how he could best set up a counterpoise to his power among the princes of Germany. This was the family of Saxony, which had, ever since the murder of the bishop of Liege, been at the head of a powerful party in Germany; and being supported by the pope against the emperor, seemed to bid fair for the imperial title after the demise of Henry, whose son was yet but an infant. This strong interest with the Germanic princes, and the prospect of being head of the empire, appears to have suggested to Richard a scheme the highest that could be formed. Otho, the young duke of Saxony, was his nephew; of the virtue of his brother John he had no opinion, after the many proofs he had received of his treachery: he saw that the mother of the young duke of Brittany was entirely in the French interest, and knew that, however the Bretons themselves might for a while be over-awed, they were much sonder of depending immediately upon the crown of France, than upon the duchy of Normandy. These considerations gave Richard so great a disgust with the house of Brittany, that they were afterwards unsurmountable, and lost to young Arthur the crown of England. It is therefore highly probable, that he had thrown his eyes upon

Richard's views for Otho duke of Saxony.

Otho, the son of his eldest sister, to succeed him in the crown of England. In order to fix this succession, and to render his power uncontrollable in Britain, nothing could conduce more than the friendship of William king of Scotland. That prince had no male heir, and Richard laid a scheme of marrying the duke of Saxony with the heiress of Scotland. This project was intrusted with Hubert archbishop of Canterbury, who had orders to propose to William the restitution of all the northern counties, provided the match should be concluded, and the young lady's husband settled in the succession to the crown of Scotland. I flatter myself, the reader will not think the conjecture I have formed too bold, when he compares together all the circumstances I have hinted. The treaty of marriage was now far advanced, and the duke of Saxony had come to Normandy, and was in his uncle's court, waiting the result of the negociation. But the nobility of the Scots, well knowing that their country, if such an alliance should take place, would become but an appendix to others of much greater consequence, as some ages after appeared, wisely opposed the match; and the treaty was broken off, on pretence that the queen was with child. This disappointment, however, did not prevent Richard from pushing the interest of his nephew, till, by the force of money and the assistance of the pope, he actually was chosen king of the Romans; while a powerful party was formed in Germany, which afterwards over-balanced the interest of Richard there. Those great successes of Richard in the cabinet, took up great part of the summer, in the year 1196. We shall now attend the affairs of England.

A. D. 1197.

Treaty of marriage between him and the princess of Scotland.

Hoveden.

Reflections upon Richard's conduct.

The prodigious expences which Richard was at, by keeping up an interest in almost all the courts of Europe, were intolerable to the people of England. Had he been a prince born with a narrowness of understanding, which confined his abilities to that scene which he pursued with pleasure, his arrogance and pride would have soon left him at once despicable and friendless, and his conduct would have been more pitied than execrated; but he substituted the dignified part of his nature to the meanest; war was his delight, and revenge his passion. Those swallowed up all the nobler faculties of his soul and spirit, which were as quick and penetrating as those of most men, and justly leave his memory hated and despised by thinking beings. His power of doing hurt to mankind was fatal, because his understanding was great. A prince, inspired with meer martial frenzy, could not have depopulated the world as Richard did. Thus the nation suffered by what heaven meant should bless it, by the great qualities of its king; nor can he be said, as a king, to have been otherwise than most ingeniously wicked. From the time of his return to Europe, till the day of his death, he was not above eight months in England. Delegated trust, when it grows oppressive, soon loses its authority, and is pre-eminent only because

A. D. 1197. raised upon the stilts of power. Hubert's repeated exactions, to supply his master's extravagances, had exhausted the patience of the people, who saw no retribution, of any adequate value, made to themselves for all the blood they lost, and all the taxes they paid. But the great barons and men of property knew little of the misery of their inferiors; the feudal oeconomy put them above that feeling. The common people therefore complained, that they were the beasts of burthen, and that there was a collusion among the great, to ease themselves of the load of public taxes, and to throw it upon the shoulders of the poor. Their uneasiness became now too loud to be appeased by the gentler arts of government, to which the miseries they daily suffered would have given the lye. Hubert had then no other recourse but to severity and force, to prevent an open rebellion. He published an edict, by which all the inferior inhabitants of London, who were found without the purlieus of the city, were to be treated as traitors. One William Fitz-osbert, a person mean in his birth, and more so in his appearance, espoused the cause of the common people with formal harangues, before all persons, and on all occasions. Our historians inform us, that his interest with them was great; he possessed a natural, and therefore popular, eloquence; and finding proper subjects to work upon, he was no contemptible enemy of the government. He is by some accused of personal crimes; but of those, history has no cognizance. It seems, his popularity rendered him considerable enough, according to Hoveden, to undertake a journey to Normandy, and have an audience of the king, with whom he expostulated so freely, that Richard sent him back with orders, that the grievances he complained of should be remedied. This, we are told, made Hubert so jealous, that he published the above edict to prevent the like communications thereafter, and had actually imprisoned some citizens who were going to Stamford fair. But in proportion as the oppressions of the people grew, the credit of William Long-beard (for so he was called from his indulging the growth of his beard) prevailed. Tallage was the tax by which the lower people was assessed, and it sometimes was laid on by the head. I am apt to believe, that one of those tallages now ripened their discontents into rebellion; for the demagogue, by his declamations, so heated his followers, that a great tumult ensued in St. Paul's church, which ended in blood. Hubert, upon this, sent a detachment to bring Long-beard before him; but the latter, drawing his sword, killed the officer, who was bold enough to attempt to seize him. This action, which transgressed the bounds of a virtuous attempt against oppression, discouraged all Long-beard's followers, except a desperate rout, to whom life or death would have been as indifferent under a lenient, as under a severe, administration. The regent's party being now reinforced, the rioters were constrained to take refuge in St. Mary-bow's church, where

they barricaded themselves, to hold out till a more general insurrection should happen in their favour. They were deceived; for they were now looked upon with horror, even by those who at first inclined to their party. The government forces, not chusing to venture their lives in attacking the barricades of so desperate a rout, threw in trusses of burning straw, and other materials, which smoked the rioters out of the church, so that they fell one by one into the hands of justice. Long-beard was instantly conveyed to the tower of London, and from thence, with great ignominy, to Tyburn, where he was hanged.

This and the like commotions, with the king's absence, and his engagements in foreign wars, encouraged the Welsh this year to invade the English dominions. Rees then was the leading man, or, if the reader chuses, prince of South Wales. Getting together a considerable force, he laid siege to the town and castle of Carmarthen, which he took, spoiled, and burned. He then, after long resistance, took the castle of Clun, with that of Radnor. Roger Mortimer and Hugh Say, the noblemen of greatest interest in those parts, attempted to check his progress, but were themselves routed with great loss. The castle of Payn then fell into the hands of Rees, but was delivered back to its owner, William de Brause, upon certain conditions. This progress of the Welsh drew the regent himself into the field, at the head of a great army. But the Welsh were wise enough not to hazard a battle; and all Hubert could do, was to besiege the castle of Gwenwynwyn, which made a vigorous defence, and at last obtained an honourable capitulation. But no sooner did the season oblige Hubert to retire, than the place again fell, upon the like terms, into the hands of the Welsh.

The convulsions of kingdoms, as well as those of nature, have their advantages. The expeditions of religion must have shook every pillar of the state, and have weakened every nerve of government, had not the spirit of commerce succeeded that of war. Richard's crusading adventures had opened to his English subjects countries unknown to them before, and intercourses hitherto unattempted. The ports of England, in consequence of the Conqueror's establishments, continued yet free, or at least their customs so small as scarcely to be felt; and mutual conveniences promoted mutual advantages. All the continent of Europe had been for some years in arms; England alone was in peace. This invited commerce; nor could she have otherwise supplied the immense sums which she every year furnished to her prodigal king. As all taxes, in their last resort, fall upon the land of England, so the foccage and meaner tenants felt them most intensely while the traders opened channels of commerce, which in time supplied those tenants with the means of supplying the government. But as those means increased, the demands of the government grew; and about this time the influx of riches and treasure greatly altered the value of

Great oppression of the poor in England.

Character,

[Madox.]

insurrection,

A. D. 1197.

and death of William Long-beard.

The Welsh commotions.

England improves in trade.

A.D. 1197.
Hubert the
regent offers
to resign.

His great ex-
actions.

of specie. This appears from the accounts of the regent; for, about this time, either finding that the popular odium beat too fiercely against him to be stemmed by his opposing it, or wanting to inhance his services with Richard, Hubert offered to lay down the regency, pretending the fatigues of public business were too heavy for his advanced years. Richard at first was very backward in giving him his dismissal, yet at last offered to consent; but Hubert, repenting, produced his accounts, and made it appear that he had raised, at a medium, five hundred and fifty thousand merks, for the king's use solely, during each of the two last years of his administration. This account, were it not unquestionably supported, would be incredible, since it was exclusive of the feudal services performed to the crown, and at a time when its powers were greatly reduced, compared to what they had been under the Conqueror. This vast increase of revenue (in so few years after the raising one hundred and fifty, or two hundred, thousand merks, had been attended with such distresses) could be only owing to the cause I have already hinted at, the great increase of commerce. Richard was easily prevailed upon to continue so useful a minister, who could thus raise from the people a greater sum than (all things considered) has ever been since collected in so short a time. But we are now to return to the affairs of the continent.

Richard's dif-
ferences with
the archbi-
shop of Roan.

P. Daniel.

Richard and his ministry having brought his great system of uniting against the crown of France to bear, most of its great military tenants pursued the operations of the field. He endeavoured to bring the archbishop of Roan to give his consent to raising fortifications upon the isle of Andely; but in vain: and that prelate thundered out his ecclesiastical bolts upon his persisting in his intentions. But Richard, who was now countermining the house of Swabia in the empire, knew that the court of Rome was in his interest, and despised the prelate. He, at the same time, marched his army into Auvergne and Berry, where he took several places, which were soon retaken by Philip. But his Brabasons were now returned out of Brittany, with their general Marchades at their head. Philip, about this time, was marching with no more than two hundred horse from Mans to Gisors, and was met upon the road by Richard, at the head of fifteen hundred regular troops, besides a great number of his Brabasons. Philip must have fallen into their hands, had it not been for a happy temerity: for he instantly formed his small party, called out, "That all who loved him should follow him," and pierced quite through that quarter where he spied the English were weakest, till he reached Gisors, with the loss only of a few prisoners. But, soon after that, earl John, who had been, ever since the 19th of May, harassing the Beauvaisis, being now reinforced by Marchades, and a good body of Brabasons, advanced to the very gates of the city Beauvais itself. Philip, the bishop of that city, was a prince of the blood of France; he had been

bred more in the field than in the college, and disdaining to be insulted at the gates of his own city, issued out, with William lord of Marlou, at the head of some troops, to drive the enemy away, and to raise the siege of the castle of Milli. In his march he was encountered by earl John, and, after receiving a total defeat, was taken prisoner, together with William de Marlou. Earl John knew that Richard had a mortal hatred against the bishop, he therefore sent him to be disposed of as he should think proper; and Richard gave orders that he should be conveyed to a dark dungeon in Roan, and there be loaded with irons. A day or two after, while some of the bishop's domestics and friends were interceding with Richard for a mitigation of this sentence against a prince and a prelate, "You yourselves, said he, shall be judges of my reasons for this severity. When I was taken prisoner in Germany, the emperor, at first, treated me with good manners and civility; but, within a few days, arrived the bishop of Beauvais. Next morning he had his audience of the emperor, and, a few hours after, I was chained like a slave, and more irons heaped upon my limbs than a horse could have born. Now can you condemn me, if I treat the bishop in the same manner?" This struck all the advocates for the bishop dumb. But applications were made to the pope, and his holiness wrote a gentle, mitigating, letter in favour of the prelate. Richard returned no other answer to this, than by sending to Rome the bishop's helmet and armour, with those words from the scriptures: "Know now whether this be thy son's coat or no." 32. This answer, at once so just and witty, put a stop to the intercession of his holiness, who was in no disposition to fall out with Richard at that time; and he replied, "That the coat the king had sent did not belong to a son of the church, but of the camp, and that the prisoner was therefore at Richard's mercy."

The bishop of
Beauvais ta-
ken.

Richard's rea-
sons for put-
ting him in
irons.

Gen. xxxvii.

Those transactions took up part of the year 1197, when Richard thought proper, by favour of the pope, to make up matters with the archbishop of Roan, who, finding that he would not be supported by the see of Rome, consented to an exchange of the isle of Andely for other lands given him by Richard, as appears from the instrument of Exambion, which has been published by Mr. Rymer. Richard then invaded Picardy, where he took and burned the town of St. Valery, or Walleries, carrying along with him the body of that saint. He then seized upon some English vessels, which, contrary to his edict, had brought over corn and provisions from England, and hanged the crews. About the same time the castle of Dangu was surrendered to Richard, who soon after lost it to Philip. But this petty advantage was counterbalanced by losses which threatened the very crown of France.

Vol. i. p. 96.
Richard in-
vades Picardy.
See p. 320.

For Philip found now almost all the great tenants of France in arms against his authority; but the most formidable was the earl of Flanders,

A. D. 1197. Flanders, whose dominions were inexhaustible in men, and had the means of supporting the greatest armies. He had already made himself master of St. Omers, Aire, Doway, and, after destroying a large tract of country, had actually laid siege to Arras. Philip concluded, that, if this place fell into the hands of the confederates, their next march would be to the gates of Paris itself. He collected his force, and resolved to venture all to raise the siege. After forced long marches, he drew near the place; and the earl, not chusing to hazard a battle, wisely retreated towards his own frontiers, where he spread his army in a line, to prevent all surprize. Philip, imagining that this retreat was the effect of weakness, or cowardice, advanced over several rivers to attack the earl; but the latter ordered the two extremities of his line to advance, and to break down all the bridges of the rivers which Philip had left at his back. This reduced the French army to the last distress, by cutting off all its communication with the only posts from whence it could have provisions. Philip must have now been destroyed, but for his own address. He sent messengers to the earl, protesting that he did not intend hostilely to invade his dominions; that he had come to enter with him upon an accommodation; and that, as a preliminary, he was willing to deliver up all that had formerly belonged to the earldom of Flanders, and was now possessed by the crown of France. The envoys had orders likewise to suggest to the earl, that it could be in no respect for his interest to destroy entirely the power of France, since he might then have a much stronger enemy to deal with, in the person of Richard; and that the balance of power could only be supported by supporting the crown of France.

The earl of Flanders besieges Arras.

Philip distressed by him.

He becomes a mediator with Richard.

This reasoning was just, and its force easily perceived by the earl; but one of the terms of his agreement with Richard was, that neither of them should make peace without consent of the other. He gave Philip to understand this, and that it was the only obstacle to his coming to a final agreement with him; promising to do his best to bring the king of England to the like dispositions, and informing him he was at liberty, unmolested, to make his retreat.

Thus was Philip freed from a situation, in which, had the advantages of the confederates been improved, he must have been brought to ruin. The earl of Flanders was, at the same time, guilty of an irreparable error, in not obliging that prince to give him hostages for the performance of his fair promises; but perhaps he thought it would be always in the power of the confederates to make their own terms. He was deceived. Richard saw the motives of his facility; though he could not upbraid, he distrusted, him; and thus the unanimity, required to make great alliances succeed, was broken. The earl of Flanders became a mediator, instead of an enemy; and Richard listened to terms, at the time when he expected to prescribe them. A conference was appointed

between the two kings between Gaillon and Andely, and a truce was there agreed upon for sixteen months; but without any intention on either side of keeping it.

A. D. 1198. A conference for peace.

During those fluctuations of treating and fighting, archbishop Hubert was employed in composing certain differences which had happened in the family of Rees prince of South Wales, who had been some months dead. But his interposition served only to embroil matters more; though this fell out, perhaps, for the advantage of the English government, which, above all things, now courted peace. This was best preserved by keeping up dissensions among a people still preserving an untamed spirit of resentment, and improving them when opportunity offered.

Differences in Wales made up.

Richard having kept his Christmas at Roan, the year 1198 opened without any military action in France, because of the late truce; but the king was now at leisure to support Hubert in reducing several of his frontier garrisons in Wales, which, during the late times of inactivity, had been invaded and seized by the Welsh, or other great lords. Accordingly we find him, in the spring of this year, marching down in person, and recovering the castles of Bridgenorth, Hereford and Ludlow, and appointing trusty governors to keep them.

Hubert's success in Wales.

Upon his return, by order of the king his master, he entered upon ways and means for supporting the expences of the government, and renewing the war with more vigorous operations. Richard's first demand was from his great military tenants, whom he required to furnish him with three hundred knights, to serve on horseback; or as much money as would maintain them, at the rate of three shillings a day for each knight. Though this may seem but an inconsiderable subsidy to modern times, yet it seems to have been extra-feodal, and was really equal to a sum of one hundred and sixty-four thousand pounds at this time. The bishop of Lincoln was the only baron who had the courage to oppose this tax, but perhaps was single in his negative. This compliance in the assembly did not proceed either from want of spirit or means; but, in reality, the number of followers ascertained to be kept up by every knight, became now to be very doubtful; the barons finding daily means to withhold a few, till the crown was at a loss how many to exact. As they were conscious of this, they dreaded an enquiry, which might have brought the feudal constitution back to its old principles, and might have strengthened the crown, to their ruin.

Richard's farther impositions.

Madox.

But this was only the prelude to a more heavy extra-feodal imposition, and laid on by virtue of the prerogative alone. This was no less than five shillings, collected from every carucate, or hide of land, all over England. The government, as much as possible to prevent all reticence in the collection of this tax, sent into every county one clerk, or clergyman, and one knight, as commissioners, to collect it. These took to themselves, as assistants, the sheriff, and such

A. D. 1198. such other persons as they thought best qualified in the county. This bench being formed, and sworn to the impartial discharge of their commission, all the stewards of the barons in the county were summoned before them, with all the lords or bailiffs of the towns, together with the reeve or mayor of the same, and four more of the most creditable of the inhabitants. These were, upon oath, obliged to discover to the bench how many plough-tilths, or lands, were in every town; how many were demesne, and how many villainage; with all the religious lands, tenures, and services. All the lands thus returned were assessed in five shillings, two at one payment, and three at another. Four copies of the rolls of the return were made up; one left in the hands of the clerk, one with the knight, who were the commissioners; the sheriff had another, and the baron's steward the fourth. The sheriff answered for the whole to the barons and commissioners of the Exchequer, and it was collected for him by two knights, and the bailiffs of every hundred.

The penalties upon those who concealed any subject liable to this tax, were very severe; but the fees belonging to parochial churches, and lands held in sergeancy, were not assessed: but the latter were enrolled, and the sergeants obliged to appear, for farther orders at London, fifteen days after Whitsuntide. We learn, that one hundred acres were, upon this valuation, allowed for every hide of land; so that, considering the rigour with which it was exacted, though there is little certainty in such calculations, I believe the whole of this tax could amount to little less than would, at this time, be equal to a million and a half of our money.

Richard stood upon so good terms with the court of Rome, during the reign of Celestine, who was now dead, that Hubert found very little difficulty in the exercise of his temporal functions, which was as severe upon the clergy as upon the laity. But a more severe pope succeeding him, cabals were formed against the archbishop by his monks, upon pretences foreign to this division of our history. The pope supported the monks, who were afraid lest the archbishop might change the seat of his see from Canterbury to Lambeth. Hubert, at first, treated them with a very high hand; he seized their revenues, he shut up their persons, and, had he been supported by Richard, would have reduced them to their duty. But the king had too much depending upon the friendship of the pope, for him to disoblige him. A mandate came from Rome, requiring him peremptorily to give up Hubert, and never more to employ ecclesiastics in temporal matters. Thus, what all the complaints of a fleeced, harassed people could not effect for many years, was effected by the jealousy of a few proud, lazy, luxurious, insignificant monks. Hubert was laid aside, and Geoffrey Fitz-peter substituted in his place, while Hugh de Neville was made chief justiciary of all the king's forests.

The first act of the new government was

to send itinerant justices through all the kingdom, to hold pleas of the crown, both new and old. At the same time, Neville having joined to him in his commission Hugh Wac and Ernſ de Neville, set out on a circuit, as justices of the forests, and summoned all the nobility and barons, spiritual and temporal, to appear at their courts. These new commissions gave rise to many arbitrary proceedings, and to new oppressions of the people. But Richard, every week of his life, was still plunging himself into new difficulties, which required new supplies of money. Among the many other methods, the renewal of all grants under the great seal was now set on foot. Thus all the charters, granted in the beginning of this reign, were twice renewed; once, as we have already seen, in the seventh, and now in the tenth, year of his reign; as if the commencement of a new administration had been that of a reign.

The discontent which those impositions raised among the people, probably encouraged the Welsh this year to invade the English dominions. Their pretext was the murder of one Trahern Vauchan, who was of the family of Gwenwynwyn their prince. An army was raised, and Gwenwynwyn laid siege to the castle of Payn in Elwel, the seat of William de Brause, who had put Vauchan to death. The place was strong, and the Welsh being destitute of engineers to take it, Fitz-peter had time to raise an army; but the English had too much experience of the courage and fortune of Gwenwynwyn to hazard a battle. Several conferences were proposed by the regent; but the Welsh prince would hear of no accommodation, he not being, as he said, at liberty to sell the revenge which was due to the blood of his cousin. Fitz-peter, still unwilling to hazard a battle, which, in Richard's absence, might have been attended with fatal consequences, set at liberty Griffith, son of Rees the prince of South Wales, the old and inveterate enemy of Gwenwynwyn. That prince immediately got together a large body of troops, with which he joined the English; and Gwenwynwyn being now much outnumbered, it was resolved to give him battle. The spirit of the latter was too high for him to decline fighting; but, after an obstinate engagement, he was defeated, with the loss of several of his relations, and near four thousand men. So fatally did the blood of the Britons still pursue the gratification of private revenge, though opening the road for foreign invasion and conquest. But we may believe that the victory cost the English dear, since we find all they did was to raise the siege of the castle.

Richard was still in Normandy, and new causes of discontent arising, both kings renewed hostilities before the truce was quite expired. For the earl of Flanders, notwithstanding his generous conduct towards Philip, found that all the fair protestations of the latter vanished with his danger, and that the truce served only to give him the opportunity of sowing dissensions among the allies,

A. D. 1198.
Itinerant
judges sent
over the king-
dom.

The Welsh in-
vade England;

opposed by
Fitz-peter;

who sets Grif-
fith at liberty;

and defeats
the Welsh.

Hostilities be-
tween Philip
and Richard
renewed.

Hubert dis-
placed,
and is suc-
ceeded by
Fitz-peter.

A. D. 1198.

Rymer.

Philip's barbarity.

Philip defeated by Richard.

who invades France, and takes Courcelles.

The battle of Gisors.

without his coming to any determined point of pacification. The other princes and great noblemen of France, all but the duke of Burgundy, were sensible of the same, and they again applied to Richard to renew the alliance. This was extremely agreeable to him, and many inroads on both sides were made, in which a great number of prisoners were taken. The French historians think that the truce was now expired; but I am apt to believe, with ours, that it was not: for Philip had, in the beginning of July, entered privately into a league, offensive and defensive, against Richard and his nephew Otho, with Philip duke of Swabia, who claimed the imperial dignity. It is possible that Richard, hearing of this league, thought it an infringement of the truce. Philip perhaps made use of that pretext for treating the subjects of Richard who fell into his hands with unexampled barbarity; for we are told that he put out their eyes, which provoked the king of England to make the like barbarous reprisals; so that the whole of this campaign was spent in acts of mutual inhumanity and bloodshed. The two kings had a rencounter, soon after the recommencing of hostilities, between Vernon and Gamage, in the Veuxine; but Philip was driven back by Richard to Vernon, with the loss of some hundreds of his followers. Our historians, I apprehend, have made two different relations of this encounter; but it is certain that Philip, soon after, was obliged to leave Normandy, where he had burnt about eighteen villages.

His retreat gave Richard leisure to invade France by the ford of Dangu, and to lay siege to the castle of Courcelles, which, together with Bures, a smaller fort, fell into his hands before Philip could succour them. The latter was now at Mante, where he ordered a general rendezvous of his troops, with an intention to march either to relieve, or retake, Courcelles. Richard met him near Gisors, and each party thought it its interest to come to a general engagement. Great part of Richard's army had been detached by him to guard the ford of Dangu, by which he believed Philip would attempt to pass; but being mistaken, he was obliged to fight with unequal numbers. The French have suppressed those circumstances, nor have our historians sufficiently understood them. I shall therefore give the relation of this important battle from Richard's own words, in his letter to the bishop of Durham, which I do not remember ever to have seen in English (1).

“ Know, says he, that the Sunday before Michaelmas we entered the territories of France by Dangu, and attacked Courcelles, which, with its castle, tower, governor, and garrison, we took. The same day we assaulted the strong house of Bures, which we took, with all that was in it, and late at night we returned to Dangu. “ Next day the king of France, hearing of our march, came from Mante, with three hundred knights, and their esquires, and his own troops, to succour the castle of Courcelles, which he did not know was taken. As soon as we heard of his approach, we went out with a thin retinue, and posted our troops upon the banks of the river Ethe, because we believed that the enemy would attack us by the ford of Dangu; but he made his approaches by the side of Gisors, and we, at the very gate of Gisors, drove him and his troops back with so much precipitation, that the bridge broke under them, and the king of France, as we heard, drank of the river, and about twenty of his knights were drowned. We, with our own hand, unhorsed and took prisoners Matthew de Montmoranci, Alan de Rufci, and Fulk de Gilerval; and upwards of an hundred knights more fell into the hands of our troops. Their names we shall send you, when we have seen them; for Marchades, general of the Brabasons, has thirty of them, whom we have not seen. The number of esquires, horsemen, and foot, that are taken, cannot be counted; and two hundred led horses are taken, seven score of which are covered with iron. “ Thus did we overcome the king of France at Gisors; though not we, but God and our right for us.”

This letter is dated the 30th of September, but without expressing the year; which probably has brought Mr. Rymer into an unpardonable oversight, in dating it 1197 instead of 1198.

But this victory was rather glorious than profitable to Richard; for Philip soon recruited his army, and again attacked Normandy, which he destroyed as far as Beaumont le Roger. On the other hand, earl John and Marchades invaded France; but nothing decisive happened farther this year, only the king of France, according to the French historians, took Evereux.

The earl of Flanders, on his side of the operations, had better success. He laid siege

(1) Noveritis quod Dominica proxima ante festum sancti Michaelis intravimus terram regis Franciæ apud Dangu, et inde insultavimus domum fortem de Burris, et totum quod in ea erat cum domo cepimus, et fero redivimus cum exercitu nostro apud Dangu.

Die crastino rex Franciæ, his auditis, venit de Mantua cum 300 militibus, et servientibus, et communis suis, ad succurrendum castro de Curceles, quod non putavit esse captum; nos autem, ex quo cognovimus eum venire, exivimus cum paucâ gente, et gentem nostram dimisimus super ripam de Ethe, quia credebamus eum venturum super gentem nostram ultra ripam ex parte de Dangu: ipse autem cum gente sua descendit versus Gyfortium, et nos eum in fugam conversum, et gentem suam in tanta districtione posuimus in portam Gyfortii, quod pons fractus est sub illis, et rex Franciæ, ut audivimus, bibit de riviera, et alii milites usque ad 20 submersi sunt. Nos autem ibi cum una lancea prostravimus Matthæum de Mummeranci, quorum nomina majorum vobis mittemus cum eos viderimus, quia Marchadeus habuit usque ad 30, quos non vidimus. Seroperti sunt de ferro.

Ita devicimus regem Franciæ apud Gyfortium; sed nos idem non fecimus, immo Deus et jus nostrum per nos. Rym. v. i. p. 96.

A. D. 1199. to St. Omers, one of the towns of Flanders which had fallen to Philip, and took it, after a resistance of three weeks. He then took Aire, with several other places of less importance; but the season was now too far advanced for him to think of penetrating so far with his troops as to join Richard, all parties therefore now thought of retiring into winter quarters.

Those wars were very disagreeable to the papal chair, now filled by pope Innocent III, whose favourite scheme was to renew the crusades into the Holy Land. The cardinal of Capua was sent into France to negotiate an accommodation, to which he found both parties sufficiently disposed; but Richard refused to enter upon any conferences for that purpose, without the participation of his ally the earl of Flanders. A truce, however, was concluded, which was to last from November to the middle of January. This respite gave time for both parties to form a plan of a compleat accommodation. Richard, who had still the interests of his nephew, Otho the duke of Saxony, chiefly in his eye, found that, though he was chosen to the empire, a strong party disputed his right, in favour of Philip duke of Swabia, brother to the late emperor; and that it would be impossible for Otho to carry his point, without the assistance of the pope. Philip, on the other hand, had much more powerful reasons for courting the see of Rome. The powerful confederacy of his great vassal against him, the exhausted state of his people and finances, with the small prospect of future success, made him apply to the pope, in the most earnest manner, for an accommodation, promising that, could it be effected, he would employ all his force towards the recovery of the Holy Land. But Richard still stood upon very high terms; and the bishop of Ely was now sent for out of England, to be present at the conferences. At last it was agreed, that the two kings should have another personal interview, which was to be held between Vernon and Andely, upon the banks of the Seine. Richard would not venture his person on shore, and remained in a boat while the king of France came down on horseback to the place of meeting. But this conference proved ineffectual; for Richard could not be prevailed upon to remit any of his claim upon the places which Philip had taken during his captivity; all therefore that was then done, was an agreement between both parties to refer their differences to the arbitration of the holy see. It was with some difficulty that Richard was brought to agree even to this, and not without a solemn assurance from the legate, that the pope would befriend the interest of Otho; and that, as he was secretly importuned by Philip to make peace upon any terms, he would carefully consult both his honour and interest through the whole of the negotiation. But, notwithstanding all those circumstances, all that could be effected was a truce for five years; by which it was provided, by oath on both sides, "That, during that time, the subjects of both princes should have free inter-

The pope labours for a reconciliation.

Truce agreed on.

An interview agreed upon,

which is followed by a truce for five years.

"course to pass and repass to fairs and markets, and to buy and sell with one another." Upon the faith of this truce both princes disbanded their armies.

A. D. 1199.

But Philip, ever insidious, was still meditating upon the means of distressing Richard. Marchades, marching home with his Brabasons, who had done such eminent services to the king of England, was attacked by four French noblemen, who, taking them unawares and dispersed, killed a great number of them. At the same time, Philip fortified a new castle between Beautavant and Gaillon, and cut down a wood, which lay near it, belonging to the king of England. Those infractions of the late truce were encouraged by Richard's absence to suppress a rebellion which had afresh broken out among the unfaithful Poictovines: but this being finished sooner perhaps than Philip expected, Richard sent the new bishop of Ely to complain of what had happened, and to demand satisfaction. Philip disavowed all that had been done against Marchades, throwing the blame upon the noblemen, and offered to demolish the newly-erected fort; but Richard insisting upon farther satisfaction, the legate suggested to both parties, that truces seldom were attended with tranquility, and that it would be much for both their interests if the late truce should be converted into a definitive treaty of peace. This proposition was so agreeable to Richard, that he declared, if the king of France should refuse to enter upon a lasting and solid treaty, he would look upon himself as no longer bound by the late truce, which had been already violated by Philip. This was by no means agreeable to the views of the latter, and he now sought to create Richard some uneasiness, by sowing suspicions and jealousies between him and his brother John. But John sufficiently disproving the allegations of the French king, Richard restored him to a greater share of his confidence than ever; and a plan of a treaty was drawn up, which he positively required Philip to agree to, otherwise he would renew hostilities. A new conference between the two kings was accordingly held, and the following were the articles proposed, viz. That the king of France should deliver up to the king of England all he had taken from him, Gisors excepted; but that, by way of recompence, the king of England should have a right to nominate to the archbishopric of Tours, or rather of confirming the nomination of the clergy: That Lewis, the prince royal of France, should marry Blanch of Castile, niece to the king of England. The next was an article which shews that Philip was very much reduced at the time when this treaty was set on foot; for he had, as we have already seen, upon the 1st of July, the year before, entered into a treaty with Philip duke of Swabia, against Richard. But, by this article, Philip expressly was to engage himself to take part with Otho, Richard's nephew, against the duke of Swabia. Gisors was, by the same treaty, to be yielded, by way of dower, to Blanch of Castile; and Richard

Philip's infractions of the same.

A treaty drawn up.

[P. Daniel.] Its articles.

was

A. D. 1199. was to add to it twenty thousand merks of silver.

Some time was demanded, and agreed upon, by both sides, for examining those articles; and Richard proposed to ratify them upon his return from an expedition to Aquitaine. But an incident, in the mean time, happened, which put an end not only to the treaty, but to Richard's life. Aimard viscount of Limoges, or one of his vassals, found a treasure, which, according to some French authors, and those not contemptible, represented an emperor, his wife, his sons, and some others of his family, all in pure gold. Part of this treasure was sent to Richard by the viscount; but he demanded the whole, though upon what justifiable ground will be hard to assign. The viscount not readily complying with this demand, Richard sent for Marchades, with his Brabasons, and invested the castle of Chaluz, where he imagined the treasure lay. The garrison, terrified at this, offered to surrender, upon assurance that they should preserve their lives, limbs, and arms. Richard, with a brutality which nothing but avarice and pride could have inspired, refused to grant them even this capitulation, and declared his intention of taking the place by storm, and hanging all that were within it. This declaration rendered the garrison desperate, and they resolved to sell their lives as dear as they could. After dinner, Richard, armed only with his corset, went out, attended by Marchades, to reconnoitre the place, and a cross-bow-man from within, whose name was Bertram de Gurdon, descrying him, and knowing his person, aimed an arrow at him so fatally, that it pierced his shoulder. Richard instantly mounted his horse, and returning to his quarters, gave orders that Marchades should begin the assault, and, after taking the place, hang every soul within it, excepting the person who had given him the wound. Those orders, which were at once barbarous and whimsical, were punctually executed; and, though palliated, nay, extolled, by some of our historians, must strike every one who reads them with horror. The cross-bow-man was reserved; but whether to be an object of mercy, or cruelty, had Richard recovered, is left undetermined by our historians. In the mean time, an ignorant Brabason surgeon had the care of Richard's wound. The first thing he attempted was, to draw out the weapon; but he drew out only the wood, and left the iron head within the flesh. This produced a mortification, which remained after the surgeon had, by mangling the part, cut out the head of the arrow. Richard was full of flesh and blood; nor could he be persuaded, according to one of our historians, even in this doubtful time, from abstaining from connubial pleasures, which overheated him, and precipitated his end. He was sensible of his approaching death. He made his will, devising his king-

dom to his brother John, with all his other possessions, and three parts in four of his ready money; the fourth to be divided among the poor and his own domestics. His jewels, or baubles, as Hoveden calls them, he left to his nephew Otho king of the Romans; but without any mention, that I can find, of his nephew Arthur duke of Brittany, who was the undoubted heir, in right of blood, to the crown of England. It is more than probable that Richard was so much disgusted by the behaviour of his mother and himself, that he set him aside from the succession. But this was an impious and an unjust resentment, unless we suppose Richard to have been satisfied that the nomination to the throne lay entirely within his own breast. Every thing being thus regulated, we are told that the archbishop of Roan, presuming upon the privilege which a death-bed gives to clerical intrusion and insolence, advised Richard, with whom he had several sharp disputes, to put away his three daughters. "Daughters!" replied the king, why I have "none." "Yes, said the prelate, you have "three, pride, covetousness, and luxury." "Then, said Richard, that I may marry "them where I am sure they will be cherished, I dispose of my pride to the "knights-templars, my covetousness to the "Cistercians, and my luxury to the prelates." But Hoveden, with some variation, relates this as happening on another occasion. However that may be, it discovers the king to have been master of a delicate keen vein of satyr. He then, finding all hopes of recovery gone, sent for Bertram de Gurdon, who had wounded him. Being brought before him, "What harm, said the king, did I "ever do to thee, that thou shouldst kill "me?" The other, with a brave, unconcerned mein, answered, "You, with your "own hand, killed my father and two of "my brothers, and you designed to kill me "too. You may now, when you please, "satisfy your revenge. I should suffer with "cheerfulness all the torments you can inflict, were I but sure that I have given "his death's wound to one, who has occasioned so many and such mighty mischiefs "to the world as you have done." This free and unreserved behaviour struck Richard with remorse, and opened his eyes more than all the exhortations of the priests had done before. He ordered the prisoner to be set at liberty, and an hundred shillings to be given him. He next commanded that his brain, blood, and bowels should be buried at Charron in Poitou, his heart at Roan, and his body at Fontevraud, across his father's feet. His death happened on the 6th of April, eleven days after he received his wound, after reigning nine years, seven months, and twenty days. As to Gurdon, he was soon after taken by Marchades, and fled alive (1).

Thus fell this mighty prince a victim to his

(1) But before I dismiss this subject, I cannot but take notice of the various accounts historians give us of the place, and other circumstances, of this king's death: for though Radulphus de Diceto was alive at that very time, and wrote his chronicle (which he called the Image of History) not long after, and agrees with R. Hoveden as to the place; yet he differs from him in the person that gave him his death's wound, for he calls him Peter Basili. But Gervase of Canterbury (who lived

A. D. 1199.
His will.

[Hemingford.]

His witty answer to a bishop.

His behaviour to the person who killed him. [Hoveden.]

His death,

Richard wounded.

Richard's brutality.

His wound proves mortal.

A. D. 1199. his own fordid avarice, and unrelenting cruelty; companions which had attended him through every scene of his life, and in his death they were not divided. Many ridiculous encomiums have been bestowed upon him by historians, dazzled with the lustre of unavailing qualities, and destructive courage. With diligence have I explored every side of his character, and every action of his life; but without finding one passage through which I can pour one of those encomiums which ought to embalm the memory of the virtuous and the just; unless we allow some merit to his remorse for his disobedience to his father, and to the choice he made of his ministers during his absence in the Holy Land. But the latter was in him an involuntary merit, and arose from the danger he saw his crown must be exposed to, should he any longer support Longchamp. Soon after his return, the people were again oppressed; nor does Richard, either in his life or at his death, discover the smallest sentiment of regard, esteem, or affection for the English nation. Considering him, therefore, as an English king, England can be said to have been happy only by his absence. He looked upon her riches as destined to supply his lusts, and her power to uphold his ambition. But he was in his private character still more unamiable than he was in his political. His manners were rough, and his wit sharp; his abilities giving him a contempt, which his greatness nourished, and his pride confirmed, for all about him. He had about him a quality of the meanest nature, and in common to him with the many tyrants of antiquity, which was, that he could not endure to be out-done as to those exercises in

which he affected to excel: a remarkable instance of this I have affixed in the notes (1). His liberality has been extolled; but that, to a thinking mind, must be detestable, because it ever prompted his rapaciousness. His courage is unquestionable; but it opened a grave for millions, whose lives he wantonly sacrificed. His sufferings were great; but they were, in some measure, owing to his own insolence; nor did he bear them with that serenity that ever accompanies the magnanimity which is master of both fortunes. He indeed discovered great address in extricating himself; but his acceptance of a precarious, chimerical, dependent title, and the intolerable exactions which he submitted to raise from his subjects, with a view of supporting it; is by no means to the honour of his constancy under afflictions. I have already, through the several stages of his reign, given so much of his character, that I have left little more to be said of it in this place (2).

In his person, he was tall, comely, fair, and well-proportioned, with vast bodily strength. From his great courage, he had the appellation of Lion's Heart; and war was rather his diversion than employment. Notwithstanding all the advantages he gained in the field, and the strong alliances he formed, he never could recover the blows which Philip had given him during his captivity; and, from that time, the dukes of Normandy, as such, began to lose their importance in France. As to Richard's laws, I have already fully discoursed of them, and have given a view of the several methods he took of raising money.

His wife, as we have already seen, was Richard's Berengera, daughter to Sancho IV, king of

Coeur de
Lion.

wife.

lived likewise at, and wrote about, the same time) tells us, that the king received this wound at a castle of the earl of Angouleme's, called Nantrum; and that the name of the person who shot him was John Sabraz. But Walter of Hemingsford (otherwise called Walter of Gifborne, from the place in which he was a canon) in his chronicle (lately published by the learned and reverend Dr. Gale, now dean of York) makes it to have been at the castle of Galliard, which king Richard had lately built in the isle of Andely; and that the French coming suddenly upon it, surprized and took it; and the king going to besiege and retake it, there received his death's wound, in the manner as has been already related, but without naming the person that gave it him; and besides, he makes him not so much to die of the wound, as by lying with his wife, which was forbid him by his surgeons. Tyrel.

(1) It happened, that Richard having spent the holiday (by us called Candlemas-day) very pleasantly with some of king Philip's officers, they rode out towards evening, to divert themselves about the town; and, in their way, met a peasant driving an ass that was laden with canes, which they soon eased the beast of, and began to throw them at each other in sport, therein imitating the Moors, who mightily use this recreation; but this jesting did not end till it came to earnest: for king Richard having chosen one William de Barres, a French knight of great valour and strength, for his antagonist, he so roughly encountered the king, that he tore his cloaths, which provoked him to that degree, that presently clapping spurs to his horse, he ran with such violence against him, as made him stagger in his saddle; but he not falling, the king redoubled his blow, the force of which made the saddle of his own horse to turn round, insomuch that he was immediately obliged to leap off, and mount a fresh one. But the obstinate resistance of de Barres still more and more inflamed the king, who strove all he could to make him quit his stirrups, though he was not able to gain his point, I mean, to dismount his antagonist, who ought to have had so much complaisance for a king, as to suffer himself to be dismounted by him. However, he shewed a particular generosity in this, that he would not permit the earl of Leicester to meddle in the fray, though he offered to come in to his assistance. The king, perceiving he was not able to get the better of him, was so enraged, that, had he not had recourse to some remains of reason left in him, he would certainly, in the heat of his transport, have done him some mischief. But, to prevent that, he made use of his royal authority, and all on the sudden said, "Go, retire, and take care never to appear before me; for I will never pardon you, and you and I must be eternal enemies for the future." Whereupon de Barres, beginning to recollect, that he, with whom he had thus engaged, was not his equal, but a king, yielded to his command, and, bowing, immediately retired to relate this adventure to his master, king Philip; who being very much concerned at it, went the next day to king Richard, to desire pardon for him, supposing that, by that time, the king's passion might be abated; when, contrary to his expectation, he would not, for all the entreaties he could use, be reconciled to de Barres, or grant him his pardon, unless he would come and cast himself at his feet, and confess his fault; which the knight being too stout to submit to, the king of France was forced, for a time, to dismiss that gallant man his service, because he would not displease king Richard. Tyrel.

(2) Remarkable occurrences in the reign of Richard I.

In the second year of his reign, on Midsummer-eve, the sun was eclipsed for three hours, and the stars appeared in the heavens at ten of the clock in the forenoon.

In the fifth, sixth, and seventh years of his reign, there was so great a dearth in England and France, that a quarter of Wheat was sold for almost twenty shillings, as much as six pounds now; which was followed by severe mortality, that carried off innumerable multitudes of people by a pestilential fever. It lasted five months, and during that time, the dead were buried in pits, a great many at once; for they died so fast, that those who survived had not leisure to bury them singly. About Whitsunday two suns appeared, the true sun and another, and were so like each other, that the astronomers were forced to take a view of them with their instruments to distinguish them. Com. Hist. Engl. p. 156.

A. D. 1199. Navarre. This lady, after his return from the Holy Land, makes but a poor figure in the history of this reign; but her submission and virtues gained to her the esteem of her husband, through unnatural lusts estranged from her bed; so that he treated her ever after with affection and tenderness.

His issue.

Hoveden mentions one Philip, a natural son of Richard, who gave him a castle in Poictou, called Cuinac; and we are told, that his mother was a Poictovine lady. A natural daughter of Richard is likewise men-

tioned, and that she was married to a Welsh prince; but this I apprehend to be doubtful.

I shall conclude this reign by observing, that Richard's absence from England gave the English nobility leisure to reflect upon the means of relieving themselves from the many oppressions they suffered, which their regard for their king would not permit them to resent in his absence; and it was during this period that those humours ripened, which in the next reign broke out with such amazing, but salutary, effects.

A. D. 1199.
Reflection.

7. JOHN, surnamed LACK-LAND.

A. D. 1199.
State of Eng-
land at this
time.

DURING the reign of Richard, who died on April the 6th, no civil commotions had happened in England. His subjects, touched with his sufferings, had continued in a respectful obedience, while his administration dreaded to touch upon those jarring strings of government which had never failed to strike dissonance and discord through the great constituent parts of the state. The chief of those were the right which the barons had to build and fortify castles upon their own estates. This was a claim of which the Norman race had been ever very jealous of admitting; and had Richard been as much in England as he was in Normandy, perhaps the liberties of Englishmen would have had a much later date than the reign I now attempt to describe. But his administration, as we have seen (though the nation was severely taxed) took care that she should have adequate returns in securing her liberties and properties against future encroachments of the prerogative. The laws came now to be well understood; the great baronies were by this time divided; the court now ceased to take cognizance of common pleas, and a separate bench was about this period erected, distinct from the Norman constitution, which, as we have seen, reserved all matters of considerable property to feudal cognizance. The barons had built and fortified castles upon their own estates: in short, the kingdom seemed resolved, about the time of Richard's death, to claim the full extent of all her privileges, either derived from immemorial custom, positive concessions, or natural rights. But it is necessary I should premise somewhat with regard to the characters which are to act upon the great scenes of action I am now to open; scenes, not affecting the rights of particulars so much as of nations, nor those of nations so much as of human beings. Beings can be no longer said to be human, than as they are free; voluntary slavery takes from them that characteristic, and stamps them with an appellation more ignoble. In doing this, I shall ever, as I have hitherto done, confine myself to the fountains of our old historians, unpoluted with the streams of modern controversy.

Eleanor, mother of Richard and earl John, was yet alive. Her long experience, and her great credit with her sons, had given her considerable weight during the late administration, and she aimed at preserving it. The dispositions of Constance, countess of Brittany, mother to Arthur, who was next in blood to the crown of England, little favoured her ambition, should that young prince succeed; it was therefore no doubt, partly by her influence, that Richard had named his brother to the succession. But as she possessed a great jointure, in which she might be disturbed by the king of France, she would have been willing that the truce concluded between Richard and him had continued. This, upon many accounts, was impracticable; she therefore attached herself entirely to the interests of her son John, who gave her a personal right (with that of reversion to him upon her death) to all the earldom of Poictou, which she had made over to him, with all its dependencies; as appears by a charter, of this year's date, published by Mr. Rymer. Thus she came to be a very important person, while she lived, in the history of this reign; for, notwithstanding her great age, neither her ambition nor understanding seem to have been yet impaired.

Hubert archbishop of Canterbury has been already mentioned. The knowledge he had in the affairs of England, his great riches, and greater post, rendered him, at this time, of the utmost consequence to John's affairs; but he appears to have been of the old party which sided with the insolent bishop of Ely, and thereby to have acquired a personal interest, which was formidable to that of the queen mother and the king himself. This interest he made use of to balance parties; so that the king should not be admitted but upon terms which might prevent an act of resumption, or courts of enquiry. This was the more necessary for him, as many things had undoubtedly passed under his administration, equally prejudicial to the rights of the crown and the people. But Hubert's vast credit with the nobility, whose influence he aimed ever at supporting and restoring, with his wise management of parties, soon put him above all apprehensions.

A. D. 1199.
Character of
Eleanor,

[Vol. I:
P. 113.]

Hubert arch-
bishop of Can-
terbury,

Geoffrey



KING JOHN.

A. D. 1199.

Fitz-peter,

Geoffrey Fitz-peter was considerable by the great post he held, being now justiciary, or regent, of all England; by his vast knowledge of, and inflexible attachment to, the laws of the land, particularly to those of Edward the Confessor; by his services to the nation, and his great experience in business, he having been before one of the justiciaries of the Exchequer, and risen to the head of the administration entirely by the force of personal merit. Add to all this, that he possessed a vast estate in England, and had great dependencies.

and the earl marshal.

The family of William Strongbow, earl of Striguel, had many causes of dissatisfaction with the Plantagenet line. That nobleman was then in France with Hubert and Fitz-peter; and his high spirit, his solid judgment, his great quality, following, and numerous relations, had made him very popular with the people of England. They considered him, in some measure, as a victim to the jealousy of the crown, which owing him more than it chose to pay, thought itself safe only in his being disabled from resentment.

Though our historians are silent with regard to any previous compact which was made between those three noblemen and earl John, immediately after Richard's death; yet I think it may evidently be gathered from what followed, that there were express stipulations entered upon for the public liberty. This much is certain, that, by earl John's orders, they instantly set out for England, where they required from all the subjects an oath of fealty to earl John. It is here that we are properly to fix the election (if that prince was really elected) of the earl into the kingdom; unless the reader should be of opinion, that it was fixed before, by the eventual oath of fealty which was sworn to him at London in the year 1191. I have already given my opinion, in several places of this work, with regard to the succession in those days. Nothing can more strongly confirm what I have observed of the great weight which oaths of fealty gave, than the accession of John. I shall only remark farther here, that it is plain, from the narrative of our authors, a parliament was held immediately upon the return of the above noblemen from France; and that others, besides the great barons, assisted, or at least were summoned thither (1). Hoveden informs us, in general, that they took an oath of fealty, against all men, from the cities as well as boroughs, and from the earls, barons, and free tenants of the realm. In this fact he is joined by Matthew Paris. But Hoveden farther informs us, that, upon taking this oath, the bishops, earls, and barons began to re-fortify their castles, and to store

them with all kinds of military provisions. But, it seems, some of the nobility had not yet sworn this fealty, and were in suspense; not with regard to John's right, for we meet with no disaffection of that kind; but whether he would confirm them in those privileges which they required and expected. That this is the meaning of our two historians, is evident; and that the persons whom the regency doubted of, fell under their suspicion, not for having fortified their castles (for all who had castles fortified them) but because they had not sworn fealty, which it appears they were unwilling to do without terms. The regency, to give them all the satisfaction upon this head which they could expect, immediately summoned those barons to meet them at Northampton. The names of the chief I shall here set down: David brother to the king of the Scots, Richard earl of Clare, William earl of Tewksbury, Waleran earl of Warwick, Roger constable of Chester, Ralph earl of Chester, William de Mowbray, besides many others. There the regents declared to the noblemen, that if they would perform fealty, and keep the peace, to earl John, they would plight their faith that he should render to every one of them his right. Upon this condition they swore fealty to John, against all mankind; an oath which would have been both needless and ridiculous, if they had taken the same only a few days before. From this impartial representation of so important a fact, many considerations, not attended to by our historians, occur.

A. D. 1199.

An assembly of great barons at Northampton.

First, it is plain, that though earl John did in fact succeed, in prejudice of an heir nearer in blood; yet the great barons and noblemen of the kingdom entertained, at that time, no scruple with regard to his right of succession. The contrary of this is strongly maintained by the professed champions for hereditary right. Secondly, we learn that the election of king John commenced from the time of the first oath of fealty, and not, as the champions against hereditary right maintain, from the time of his coronation. The very performance of this fealty was an act of recognition, to which no election could succeed. Thirdly, it evidently appears, though it has escaped the notice of all writers upon this subject, that John's right was founded upon an express bargain between him and his subjects, that the latter might resist him, if he did not render to them their rights; for the word *reddi*, made use of both by Hoveden and Paris, does not imply only restoration to a right, but a compliance with a demand. Nor do we find that any part of the regency's stipulation consisted in the barons demolishing or giving up their castles: no,

It principles examined.

See p. 534.

John's title to the crown canvassed.

(1) Hubertus vero Cantuariensis archiepiscopus, et Willielmus Marecallus, qui missi fuerant ad pacem Angliæ custodiendam, fuerunt homines regni tam de civitatibus, quam de burges, et comites, et barones, et libere tenentes, jurara fidelitatem et pacem Johanni Normannorum duci, filio Henrici regis, filia Matildis imperatricis, contra omnes homines. Tamen universi, tam episcopi, quam comites et barones qui castella habebant, munierunt illa hominibus, et viâ, et armis. Deinde Hubertus Cantuariensis archiepiscopus, et Willielmus Marecallus, et Gaufridus filius Petri justiciarius Angliæ, convenerunt apud Northampton, et convocatis coram se illis, de quibus plus dubitabant, videlicet, David fratre regis Scotorum, Richardo comite de Clare, et Ranulfo comite Cestriæ, et Willielmo comite de Tutessbire, et Willielmo comite de Warwic, et Rogero constabularis Cistrie, et Willielmo de Mubrai, et aliis multis tam comitibus, quam baronibus, fecerunt illis fidem, quod prædictus Johannes Normannorum dux redderet unicuique illorum jus suum, si ipsi illi fidem servaverint, et pacem. Sub hac igitur conventionem prædicta comites, et barones juraverunt Johanni duci Normanniæ fidelitatem, et fidele servitium contra omnes homines. Hoveden.

A. D. 1199. they only desired that they would keep the peace, because it was the earl's intentions to do them all justice. Lastly, we may gather from thence, that the regency, before they set out for England, had actually made conditions with John, which he was to observe, if elected to the crown.

Demand of
the king of
Scots.

A government thus founded upon resistance, could be supported only by jealousy. The greatest subject of the crown of England was yet to be satisfied; this was William king of the Scots. This prince thought it was now a favourable opportunity for him to make good his claim to the so often litigated counties in the north. He dispatched ambassadors into England, to proceed from thence over to Normandy, where they were to make the requisition from John himself. An interview of this kind was by no means agreeable to the principles upon which the new government set out. They were ignorant of the powers which those ambassadors might have; they had reason to suspect the virtue of the elect king, and were not sure whether the Scot might not be tempted, upon the consideration of being put into immediate possession of those counties, to enter into connections with John destructive of their new plan of distributive power. From those considerations, no doubt, they thought it unsafe that the Scot's envoys should have any personal interview with John. They absolutely denied them liberty to pass into Normandy, telling them that they must defer making their demands till John should arrive in person in England. The like answer they made to the king of Scotland, by his brother David; but, at the same time, they acquainted John with the purport of the embassy. This was wise; for they did it by their own messenger. John immediately returned answer, by Eustace de Vesci, That, as soon as he should return to England, he should take care to give William satisfaction upon all his demands, provided he kept the peace in the mean time. Thus the prudence of the regency warded off a negotiation, which, whether successful or not, might have blasted their schemes. If successful, it might, as I have just now observed, have drawn on too close connections between the Scot and the elect king; and if unsuccessful, the former might have espoused the cause of the duke of Brittany, an event they had equally to dread. But it is now time to attend earl John in Normandy.

Arthur recognized by Anjou, and other French provinces.

I shall enter into no disquisitions with regard to the different modes of succession in England, and in Brittany and Anjou; but it is certain, that, upon Richard's death, the provinces of Anjou, Tourain, and Maine, in a general assembly of their nobility, declared for the duke of Brittany as their lawful lord. John was at this time at Chinon, where he took possession of his brother's treasures, which were delivered up to him by Robert de Turnham, together with the castle and the town of Saumur. He soon after heard that Thomas de Furnes had delivered up to Arthur the castle of Angiers, as had the noblemen of the provinces already men-

tioned all the castles they possessed. But what gave him still greater cause of disquietude was, when he understood that Constance had put his nephew Arthur into the hands of the king of France; for Philip thinking that the truce he had concluded with Richard ended with the life of the latter, had entered the earldom of Evereux, and, after taking that city, had extended his ravages even to the gates of Mans, which had submitted to young Arthur. But he was here met by Constance and Arthur, who made their submissions, and paid him their fealty, which, contrary to former conventions between the crown of France and the dukes of Normandy, he received. He then conducted the mother and the son to Tours, from whence, with her consent, he sent Arthur to be educated at Paris. While he remained at Tours, he seized into his hands all the strong places of the three provinces I have already named, and put commanders into them, who were to hold them till the duke should come of age. John, to prevent the progress of so formidable a competitor, immediately marched into Maine, where he invested and took Mans, treating the inhabitants with the greatest severity, for their attachment to Arthur, and dismantling the city. Philip remained still at Tours, to which place the queen mother of England repaired, and paid her homage for the possessions she held of the crown of France. But, at the same time, she engaged Marchades with his Brabasons to enter into the pay of her son John, and to invade Anjou. The earl of Flanders likewise, now thoroughly exasperated with the court of France, declared for John, and did him homage for certain estates, which, by former conventions, he held of the duchy of Normandy.

A. D. 1199.

Those two alliances were much in favour of John, who now came to Roan, where he took investiture of the duchy of Normandy from the hands of the archbishop of that city; and, after settling his affairs on the continent, as well as the shortness of the time could allow of, he set out for England, where he landed at Shoreham on the 25th of May. Here he found every thing in the best disposition, and he proceeded to his coronation at Westminster. Hoveden has past over the relation of this coronation, without particular mention of any circumstances, farther than that the ceremony was performed by the archbishop of Canterbury; that the bishop of Durham entered a protest against his performing it, in favour of the archbishop of York, who was absent; that it was done on May the 27th, being Ascension-day; and that a great many of the nobility, both temporal and spiritual, were present. But Matthew Paris, who wrote some years after, is very explicit upon this ceremony. I shall give my reader a translation of his words, because I think they are of the utmost importance to the knowledge of the English history and constitution.

John goes over to England.

The great men, says he, archbishops, bishops, earls, barons, and many others who had a right to be at the coronation, being met

An account of his coronation from Matthew Paris.

met, the archbishop standing in the middle of them all, spoke as follows:

"Hear all of you! your discretion shall know, that no man is, upon any other previous consideration, to succeed to a kingdom, unless, after invoking the grace of the holy spirit, he has a call; and, according to the eminency of his qualities, unanimously pre-elected by the general body of the kingdom; as was the case of Saul, the first anointed king, whom, though neither the son of a king, nor of royal blood, God set over his people. In like manner, David, the son of Jesse, succeeded him; the former, because of his courage and royal qualities; the latter, because of his sanctity and humility: that thereby the man who excels all others in valour, should excel them all in dignity and power. But if any person of the royal blood is pre-eminent, we ought the more readily and zealously to consent to his election. This I speak in behalf of the noble earl John, who is here, the brother of our illustrious king Richard, deceased without any issue. This prince, being wise, brave, and confessedly noble, we have, after invoking the grace of the holy spirit, unanimously chosen, both on account of his merits and royal blood."

Such is the speech, my author tells us, was made by the archbishop, who supplied eloquence by authority. From it we may learn, at the election, if any, had been previous; and the people had so great an opinion of the prelate's abilities and virtues, that they unanimously acquiesced in what had been done. A loud shout was immediately heard

"Long live the king!" My author adds a remarkable circumstance: That the archbishop being afterwards asked, why he exhorted the people in that manner? he answered, "That he had learned, and was convinced, from certain presages, that king John would some time or other debase the crown and kingdom of England, and bring it into great confusion; and, lest he should have no check upon his conduct, he thought proper to put his accession upon the footing of election, and not of hereditary right." Our author then proceeds to give us the coronation oath, which, "That he should love the holy church and its ministers, and preserve them free from all malignant encroachments; that he should destroy all wicked laws, and substitute good ones in their place, and exercise right justice in England." He

then adjured by the archbishop, not to part of the royal dignity, unless he was resolved to fulfil all he had promised: he swore he would do.

Reflection
the same.
cannot dismiss this long account of my lord without owning, that I find no antecotemporary with him, who joins in it; though true, it gives no great weight to the opinion of those who imagine this crown have been purely elective in those days: the very words of Paris imply, that the proceeding was very extraordinary, and no more than a temporary expedient to secure

the carrying into practice the great doctrine of resistance which they had laid down, and which they afterwards so nobly pursued. In short, we learn, even from our author, that the people looked upon the whole as unusual; and that the genius of the nation, at that time, inclined strongly to hereditary government, which the destination of some princes, and the ambition of others, had set aside. Nothing therefore could have made it go down, but their fondness for the near prospect they had of recovered liberty.

Upon the day of his coronation, John invested the earl of Striguel, earl marshal, in the county of Pembroke, and Fitz-peter in that of Essex, by girding them with swords, with which they served at the king's table. The archbishop of Canterbury was made chancellor, a place which was now become of much greater profit, trust, and honour than before; but, as Hugh Bardolf observed, it was the first time that an archbishop of Canterbury had been made chancellor, though several chancellors had been raised to be archbishops of Canterbury. All this time the king of Scotland remained dissatisfied at the delays his claim met with; he renewed his solicitations, to be put in possession of the northern counties, by fresh ambassadors; and John sent him word, that if his dear cousin would give him a meeting, he would satisfy that, and all his other demands. This message was delivered to the Scot by his own ambassadors, the archbishop of St. Andrew's and Hugh de Maleville, who were followed by the bishop of Durham as far as the frontiers of the two kingdoms, where he had orders to receive the king of Scotland. It seems that John had no doubt but that prince would give him the meeting; for he set out for Nottingham, where he proposed they should have their first interview: but he was deceived; for William, trusting to the distresses which he saw John would soon meet with from a disputed title, refused to stir from home, and sent word to the court of England, that he would wait no longer for an answer to his demands than forty days; and that, if they were not gratified within that time, he would do himself right by force of arms. John, finding the Scottish king obstinate and intractable, committed the care of the disputed counties to an able officer, William Stuteville, and returned immediately to the south of England, with a resolution of repassing to France, where his affairs now required his presence.

He arrived at Roan on Midsummer-day, where he had before appointed a rendezvous of his troops, which were numerous and well-appointed. While he was absent in England, the war had been carried on in little skirmishes on both sides, particularly on that of John by the earl of Flanders. During these, the earl of Namure, brother to the earl of Flanders, and Peter de Doway, one of his best generals, with his brother the bishop of Cambray, fell into the hands of Philip; while John still detained in prison the bishop of Beauvais. The captivity of those prelates gave a handle for the cardinal

A. D. 1199.

He invests the earl marshal and Essex with swords.

The king of Scots renews his demands,

in a very peremptory manner.

John goes to France.

A. D. 1199. of Capua to interpose for their relief; and he put France under an interdict for the detention of the one, and Normandy for that of the other. A negotiation with the legate, however, was set on foot, and he found means to bring both powers to consent to a cessation of arms to the 16th of August following.

A truce agreed upon.

An interview between him and Philip.

The high demands of the latter.

This was followed by an interview between the two princes, between Butivant and Gaillon; but it soon appeared that there was no great likelihood of their agreeing; for Philip, contrary to his usual politeness, behaved in an arrogant, disrespectful manner to the king of England; giving for reason, because John had possessed himself of Normandy, and his French dominions, without his leave; and that he ought first to have demanded them as his right, and done him homage for them. He however laid before John his claims, which were, that, in consequence of the cession formerly made by Geoffrey Plantagenet, father to Henry II, John should yield up to him all the tract of country lying between the forest of Lyons, and the rivers Seine, Andely, and Epte. He likewise demanded, that young Arthur should be put in possession of all Brittany, Guienne, Anjou, and Tourain, with several other demands; which proved how averse he was to peace. This conference broke up without any effect; and the French historians have told us the reason why John was as stiff in yielding, as Philip was peremptory in demanding. He knew, say they, that many of the great military tenants of France were resolved to have peace upon any terms; and that Philip would not be supported, in case the war should continue for any considerable time. At the same time, Otho, John's nephew, who was now raised to the imperial dignity, and had a hearty enmity with Philip, sent to the king of England, desiring that he would make no dishonourable treaty with France, since, in a short time, he hoped to be in a condition to give him a very powerful assistance.

Notwithstanding the late reconciliation between Philip and the countess of Brittany, it was easy for her to perceive that Philip acted only for his own ends. The offers he made to John, in the late conferences, proved that: for the young Arthur claimed to succeed Richard in all his estates and territories; whereas Philip proposed to leave him but a very inconsiderable part of them, and to divide the rest between himself and John. These and other considerations made her resolve to carry off Arthur from the French court. A favourable occasion soon presented. Upon the breaking up of the last conference, the king of France had besieged and taken Couches, and had formed the siege of Lavaradin; but John, getting together a superior army, marched to its relief. This obliged Philip to retire into Maine; and the countess of Brittany, in the mean time, escaped with her son to Mans, which was commanded by William de la Roche, and it seems had lately been fortified for young Arthur, or rather for the king of France. The design of Con-

The countess of Brittany leaves Philip;

stance was, to throw herself and her son upon the protection of John; and de la Roche had, on that account, already surrendered up to him the town and castle of Mans. But that lady, who had been for some time married with Ralph earl of Chester, who was entirely in the interest of John, had, for reasons that have not come to our hands (but which seem to have been chiefly political) first separated, and then obtained a divorce from his bed. She had, by this time, thrown her eyes upon Guido, brother to the viscount of Thouars, a match very unsuitable to her high quality; and was chiefly under the direction of her lover and her brother. The viscount had lately been heinously disobliged by John, and he suggested to Constance, that a resolution had been formed in the court of England, to imprison both her and her son. The lady, distracted by every pang which pride, tenderness, or nature could feel, chose then again to trust to Philip rather than John, whose reasons to make away with the young prince were strongest. She therefore fled, with all the Breton nobility who had attended her, to Angiers; from whence she sent to let Philip know she was ready to put herself and her son again under his protection. Nothing could be more agreeable to Philip than this event: he knew the character of John, and the difficulties which his headstrong conduct must inevitably plunge him into: he knew, at the same time, that a powerful party was already formed, in favour of young Arthur; and that the inconstancy of John, with the growing passion he was indulging for Isabella, the daughter of the earl of Angouleme, would bring him to consent to any terms, for some respite from war. It was now towards the end of the year 1199, and Philip had found himself abandoned by many of his military tenants, on whom he chiefly relied for support. The cardinal of Capua, who had been so instrumental in bringing about the five year's truce at the end of Richard's reign, was applied to by Philip, to negotiate a truce. One accordingly was obtained, or rather, that in force was continued, to the middle of January following. It is observable, that the kings of England, in those days, when dealing with those of France, often lost in the cabinet what they had won in the field. John kept his Christmas this year at Bures in Normandy; and a conference was appointed to be held between him and the king of France, for a definitive treaty, before the expiration of the truce.

but returns, and carries back her son to the French court.

This negotiation was not so secretly managed as not to come to the knowledge of the earl of Flanders, John's most useful ally. That prince was a vassal of France for the greatest part of his dominions, and, finding that John's head was as trifling as his heart was debauched, did not chuse to rely any longer upon so rotten an ally, who might be brought to leave him exposed to all the resentment of an enraged sovereign. He therefore, during the truce, sent to Paris his wife, with powers to negotiate a peace with Philip.

A. D. 1200.

The earl of Flanders makes his peace with France.

Philip. The lady was received with great politeness at the court of France, and succeeded so well, that a perfect reconciliation succeeded between her husband and Philip. The terms were very favourable for the latter. The earl gave up all his claim to the earldom of Artois, which had been dismembered from Flanders, upon condition, that the succession should return to him, in case Lewis, the son of Philip, should die without issue; but the earl retained in his own hands St. Omers, Aire, and some other places he had taken.

Treaty between John and Philip.

This treaty was the greatest blow which could have happened to John, and though not attended to by our English historians, it certainly was the main motive which effected the disadvantageous peace between him and Philip afterwards. The conference agreed upon was held between Andely and Gaillon, in the beginning of the year 1200. The terms there agreed upon were but preliminaries, though such as the king of France seems to have dictated: for it was stipulated, That Lewis, son to Philip, should marry Blanch, daughter to Alphonso king of Castile, and niece to John: That the latter should, with her, give up the earldom and city of Evereux, together with his claim to all the places possessed by Philip in Normandy at the time of Richard's death, and thirty thousand merks in silver. John likewise engaged not to meddle in the affairs of Germany, and not to lend any manner of assistance to his nephew Otho, either in men or money.

Those preliminaries being fixed, John went over into England, where, to furnish his extravagant expences, he levied a tax of three shillings upon every plough-land throughout England, under pretence of paying the fortune of his niece, according to the late treaty. Though this tax was too inconsiderable to make the nation fly to arms, yet we find it was submitted to with great reluctance; nor would the high-spirited bishop of York ever suffer it to be collected on his estates.

But John was now so bent upon a peace, that he was resolved to sacrifice both his honour and his interest to obtain it. Perhaps, among other motives, the persuasions of his mother Eleanor, who was a French woman by birth and inclination, did not a little contribute to what followed soon after. That lady thought her patrimonial estates could only be secure by a peace subsisting between her son and Philip; and, old as she was, she was still fond of being employed in intrigues of love and state. Towards the latter end of last year, John had received certain envoys from the king of Castile, and perhaps they had it in commission to propose the match agreed upon between the prince of France and the princess of Castile. But queen Eleanor herself now undertook to negotiate in person at that court, and to bring the young princess into France. Accordingly she set out, and successfully performed her commission; but the fatigue of her journey was such, that she fell sick, upon her re-

turn, at Bourdeaux. She, however, sent forward the young lady to John, who was now returned to France, and the king of France then declared, that he was ready to put the last hand to the definitive treaty. Accordingly both monarchs met at Guleton, upon the 22d of May, where it was agreed, that the peace concluded between Richard and the king of France, in the year 1195, should be ratified, excepting in some particulars, which are foreign to this history. But, next to the conclusion of the marriage between the prince of France and the princess of Castile, the most important article was, that John had paid down twenty thousand merks, in consideration of Philip's giving up to him the fees of Brittany, and of Arthur's performing homage immediately to John for the said earldom. As to the thirty thousand merks, which, by the preliminaries, were stipulated to be paid for the portion of the princess of Castile, it is probable that, in the intermediate time, they had been remitted for considerations in territory, since we find no mention made of that sum in the treaty, but several other great advantages ceded to the king of France, which are not mentioned in the preliminaries. The treaty was guaranteed by many great noblemen on both parts.

This negotiation, so shameful to John; blasted his interest with all his allies, whom he had manifestly deceived by his tampering with the court of France; for we find, that last year he had entered into a strict league, offensive and defensive, with the earl of Flanders, by which both parties solemnly engaged themselves not to make either truce; or peace, without the consent of one another. He had likewise amused the emperor Otho with the hopes of continuing the war till France should be reduced to a condition so as to be no longer formidable. But love now filled his head, and drove from it all other considerations. He had, as we have already seen, been married to Avifa, the heiress of the great estate of Gloucester. But princes, in those days, as soon as they grew weary of the matrimonial ties, found an expedient to be rid of them, by pretending consanguinity. The prohibited canonical degrees of matrimony were then so numerous, that it was almost impossible for two persons of any fashion not to fall within them. It was extremely convenient for the see of Rome to maintain her canons very severely in this respect. It gave her great weight, with great profit. The pope, by having the construction of all cases within his own breast, and the double power of binding or absolving, became thereby the universal pander of all lust, and the broker of all infamy among the great. John, growing weary of a stale embrace, had long fixed his eye upon the growing beauties of Isabella, daughter to the count of Angoulesme, who, when too young for consummation of marriage, had been betrothed to the earl of March. It was no hard matter for John to procure a divorce from his former wife; and this was no sooner obtained, than the earl of Angoulesme, dazzled with the lustre of the alliance, gave him

A. D. 1200.

Rymer, vol. i. p. 117.

Terms of a treaty.

Rymer, vol. i. p. 114.

John obtains a divorce.

Rymer, vol. i. p. 113.

The princess of Castile brought into France.

A. D. 1200. *He is married to Isabella of Angoulême.* him his daughter, now grown up to woman, in marriage. This rendered the earl of March, who was a vassal of John, his irreconcilable enemy ever after. But John, fond of indulging the vanity of his new wife, went over, about the beginning of October this year, to England, where they were both solemnly crowned, by the old archbishop of Canterbury, at Westminster. It seems, from an old record, that this was done by the consent of the nobility and people of England.

Rot. Cart.
5 Jo. 5. n. 33.

All this time the king of England stood upon a very doubtful footing, with regard to the king of Scotland, who was still, from time to time, vigorously renewing his claim to the northern counties. John thought it of the utmost consequence to his affairs at this time, to bring matters to a good understanding with that prince. His brother, Geoffrey archbishop of York, gave him great uneasiness; and though he had some time before disseised him of his temporalities, yet he thought proper to restore them; nor perhaps was that prelate's vicinity to Scotland one of his least motives. He therefore now sent a splendid deputation to the borders of Scotland, to conduct that king into England, where John proposed to meet him at Lincoln. This deputation consisted of Philip bishop of Durham, Roger Bigod earl of Norfolk, Henry de Bohun earl of Hereford, David earl of Huntingdon, Roger de Lucy constable of Chester, William de Vesci, Roger de Rofs, and Robert Fitz-roger sheriff of Northumberland. The two princes accordingly met at Lincoln on the 21st of November, where the king of the Scots, upon a high hill, since called Bore-hill, near that city, in presence and in sight of great numbers, did homage to John. Mr. Tyrrel, and some English historians, have been of opinion, that this homage was done for some part of the kingdom of Scotland itself, which held of the kings of England. Their reason is, because David earl of Huntingdon, brother to the king of the Scots, then possessed that earldom; therefore the Scot could not do homage for it. The Scotch historians have endeavoured to answer this objection, by saying, that David possessed this earldom by a sub-feodal right from his brother; but whatever the practice might be, with regard to sub-fees in Scotland, I can find no instance of them in England. There is, therefore, no occasion for having recourse to this supposition; for the homage paid to John might, and probably was, paid at the request of the Scot himself, who thereby obtained a tacit acknowledgment of his right to the disputed counties. Possession, in those days, did not always immediately follow fealty; nor do we find that the court of England had ever, in express terms, either in this or the last reign, denied the right of the crown of Scotland to those counties; all the question was, a prudential consideration, how convenient or legal it was to give them up, without a proper award of the English parliament. But, tho' this had not been the case, it is certain the king of Scotland, at this

King of Scotland comes and performs homage in England.

Reflections on the same.

very time, possessed other honours and estates in England, besides the earldom of Huntingdon, for which this homage might have been paid. The Scotch historians have, upon this occasion, acquainted us with a circumstance which is by no means improbable. They say, that the two kings having had conference together, parted without mutual satisfaction, because the Scot refused to assist John in making war upon the king of France. Though the circumstance of making war upon the king of France, with whom John had so lately concluded a treaty, may appear improbable; yet, if we consider how disadvantageous that treaty was to John, who might have been very glad to have renewed the war, provided he had been sure of the assistance of the Scots, it is not at all unlikely that a man of John's principles might endeavour to draw in the Scots to assist him, either against the French, or against his own subjects, who he might, by this time, perceive were disposed to curb the prerogative. It is, however, certain, that neither the king of the Scots, nor John, came to any determined agreement at this meeting; only John promised, by next Whitsuntide, to give William an answer, and the latter returned to the south of England, where he kept his Christmas in a very splendid manner at Guildford. Soon after, his arbitrary temper disclosed itself in several acts of oppression.

For, perceiving the barons to be greatly upon their guard, he resolved upon a rigorous execution of several laws, which were still in force, in favour of the prerogative. With this view he set out on a progress, with his young queen, as far as the borders of Scotland. On the road he held many courts, where great numbers, who had trespassed against the forest laws, were summoned, and rigorously fined. The reader may remember, that the institution of those forest laws was looked upon as one of the greatest grievances introduced by the Norman line into England, and Henry I, Stephen, and Henry II, had again and again restored the English to their privilege of hunting; but it was still understood that those were special acts of those princes, and personal to themselves. The English, however, in their claim to be restored to their privileges as they had them under Edward the Confessor, comprehended an exemption from those arbitrary forest laws under those privileges; it was therefore no wonder, if, at this time, they were dissatisfied with the king's proceedings. It is possible that John both knew of their resentment, and dreaded it: for we find him making up matters in this progress with Geoffrey archbishop of York, by the mediation of four bishops and four barons chosen to compromise their differences.

It was near Easter, in the year 1201, before the court returned from this progress. The affairs of his French dominions were by this time greatly embarrassed. The ever-factionous Poictovins were again in arms, and John was not sure what effects this might produce in his absence. Upon his return, therefore, from his progress, he summoned

A. D. 1201.

John sets out on a progress.

He summons the barons to attend him in France.

A. D. 1201.

A. D. 1201.

He takes pre-
cautions for
his security,and goes to
Normandy,

his barons and military tenants to be ready to attend him beyond seas by Whitsuntide. The barons, without absolutely refusing, held a meeting among themselves at Leicester, where they resolved to insist upon being restored to their ancient rights before they would obey the summons. But a difference, upon an ecclesiastical account, happening some time before, between the archbishop of Canterbury and Fitz-peter the justiciary, it is more than probable, that the barons having no head, this consultation came to nothing. John, however, hearing of their intentions, demanded of them their castles, and actually forced William d'Abeny to deliver up his of Beauvois. But the personal attendance of the barons was not what John, in reality, wanted at this time; for when the barons repaired, according to their summons, to Portsmouth, in order to go over to France, he accepted a sum of money, amounting to two merks for every knight's fee, in lieu of their services. But many things were to be done in England before the king could pass over into France, where his presence was greatly wanted. The obedience of the Welsh was far from being secured; he therefore gave a hundred knights to his chamberlain, Hubert de Burgh, with orders, that he should march to the Welsh borders, and have a watchful eye over their motions. The time was now almost expired when the king of the Scots was to expect a positive answer to his demands; John therefore sent commissioners to Scotland, desiring that he might be excused from giving his definitive answer, as to the counties in dispute, till Michaelmas following; which excuse seems to have been accepted by the king of the Scots. The clergy of England were next to be managed. Some differences had lately happened between the civil and ecclesiastical powers, which shall be taken notice of in the history of the church. But John, to give a proof of his esteem for the clergy, now entered into a full and free reconciliation with the archbishop of York. During those transactions, it was absolutely necessary to mind the affairs of France. With this view, he dispatched over the earl marshal and the constable of Chester, at the head of two hundred men at arms, with orders to prevent all insults upon Normandy. Having taken those precautions, he sent the queen into Normandy; while he himself, after staying for some days in the isle of Wight, took shipping again at Portsmouth, and landed in Normandy.

When he arrived there, he found things in a much more quiet situation than he had reason to expect. It is true, the Poictovins were far from being suppressed, though, by the arts of the French king, they were then a little quieted. But John, whose whole passion was for an uninterrupted enjoyment of pleasure with his beloved Isabella, agreed, immediately upon his arrival, to an interview with the king of France at Andely. There Philip, soon perceiving his bias, amused him so agreeably, that the peace was not only re-

newed (though Philip had actually broken it during John's absence, by taking part with the rebellious Poictovins) but John was prevailed upon to pay a visit to the court of Paris. Though those two princes differed in every other respect, yet they agreed in their dislike of their wives, and their choice of others more agreeable to their affections. Philip had been married to a daughter of the king of Denmark. This match was partly political; for he expected that the court of Denmark would have made over to him all its pretences to the crown of England, and have supported him with a powerful naval force to make them good: but being disappointed in this, he had sought long to divorce his wife, which he at last effected, upon the common pretence of consanguinity. A succeeding pope, however, reversed that divorce; and Philip, having taken to his bed a more beloved fair-one, was, at the time of this interview, in great perplexities to make his ground good against the see of Rome. He found the friendship of John was convenient, if not necessary, for this purpose. When John, therefore, arrived at the court of France, he was highly caressed by Philip, who was the most polite, though the most designing, prince of his age: he even resigned the royal apartments to his guests; and John left him highly satisfied with his entertainment. From Paris he went to Chinon, where he had an interview with Berengera, the junior queen dowager of England. That lady's jointure happened to be pretty undetermined. She had been married in a foreign country, where there was perhaps no great conveniency for making a formal settlement; it depended, therefore, a good deal upon the testimony of witnesses, who had been present at the betrothment. Philip bishop of Durham was of this number, and, upon his evidence, John agreed to put her in possession of the revenues of Bayeux, two other castles in Anjou, with a thousand merks a year sterling; one half to be paid from the Exchequer at London, the other at Caen in Normandy.

and to the
court of Paris,

All this time the Poictovin rebels continued in arms; and John, sunk in the lethargy of love and indolence, neglected all other means of subduing them, but by procuring some gentlemen, who had been bred up to active feats of arms, to repair to the court of France, and there pronounce solemn challenges against the boldest of them, who durst venture to justify their allegations before that court. The Poictovins, who were privately supported by Philip, despised this ridiculous bravade; and Philip made use of it to strengthen his interests.

We must now take the opportunity of this interval, wherein indolence on the one hand, and interest on the other, suspended the operations both of the field and cabinet, to review the history of a country we have long neglected, because the transactions relating to it, during the intermediate time since we last mentioned it, are but thinly disseminated in history; I mean, Ireland. In order to do what I propose, we must resume the hi-

A. D. 1201. story of that kingdom from the year 1186, when earl John was recalled from its government by his father Henry.

View of the
affairs of Ire-
land.

Though John had been, by the permission of the pope, vested with the title of king of Ireland, yet we do not find him ever assuming it; he was contented with that of lord. It appears, however, that his power there were pretty sovereign, and, in some respects, independent of the crown of England, and imitating those of the Norman conqueror. For there is extant a charter of his, granted at Kildare, by which he gives liberty to the inhabitants of Bristol to inhabit Dublin, which he terms his city. What makes this charter the more remarkable is, that it is in confirmation of one precedent, to the same purpose, and in the same words, granted by his father. But it is certain, that the sovereign power vested in a prince, who had neither the means nor capacity to support it, occasioned great miseries to that country: for the great barons, who had been settled there, came at first to look upon themselves as under no controul; and then, each encroaching upon the other, a scene of confusion and massacre followed. It is certain that, during the reign of Richard, the lieutenants from John, who resided in Ireland, were little regarded. John de Courcy was left deputy, or lieutenant, after the departure of earl John. This nobleman brought over with him four hundred volunteers; but he found every thing there in the utmost confusion. The Welsh, who had been the principal instruments of the original conquest, and the English who had settled in Ireland, were every where dispossessed in favour of insolent, worthless Normans. The Irish likewise, who were best disposed to live quiet under the English government, were so harassed all over the island, that they had no other safety but in despair and rebellion against the conquerors.

De Courcy, in order to reclaim them, marched into the provinces of Connaught and Munster; but was way-laid by the Irish, who killed twelve of his knights. Soon after, the prince of Limeric cut off four English knights, and part of the garrison of Ardfinnin. He then exposed a bait to the remaining garrison, who marching out, fell into an ambush, and were almost all of them cut in pieces; but a knight, one William de Petit, cut off a great party of the Irish, and sent a hundred of their heads to Dublin. De Courcy, some time after this, was supplanted in his commission by Lucy. All this happened during the latter part of the reign of Henry II.

Richard, during most of his reign, was too much employed in his crusading adventures, and his wars in France, to examine his brother's power over Ireland, or to take any cognizance of the affairs there; but Lucy seems, in this reign, to have been a favourite of John's. His insolence in his government, particularly against Courcy, exasperated first, and then encouraged, the natives to form an association against him. They entered into

an oath for that effect; First, to be true to one another, and to the common cause; Secondly, never again to yield obedience to the English. The head of this confederacy was a gallant Irish prince, son to Roderic king of Connaught. He had been dispossessed by the English, and had every motive for revenge. His name was Cormock O Connon, and was commonly called in Irish, Crové Darig, from the redness of his hand. His reputation was so great among his countrymen, that he could, by his own personal interest, bring twenty thousand of them to the field. His scheme was, first, to clear all Connaught (his patrimonial dominion), then Ulster, and then the whole kingdom, of the English. The English government was, at this time, so weak, that the English settled in Ireland could depend on no assistance from it; every nobleman was therefore obliged to defend his own acquisitions by his own force. Courcy was possessed of a great estate, and neither hoping nor expecting protection from the deputy, he sent to his friends in England for assistance. One of his kinsmen, St. Laurence, set out for that purpose with thirty horse and two hundred foot; but they were intercepted by a great body of Irish at Knockmoy in Galway, where they were all cut in pieces, after an obstinate defence, in which a thousand Irish fell. Peace was soon after made between the Irish and the government. About two years after, almost all the city of Dublin was burnt down. William Petit was then deputy of Ireland, and, in the year 1191, he was succeeded in that post by William earl-marshal of England, who had a vast property in Ireland. His great wisdom and authority kept Ireland in peace till the year 1197, when he was succeeded in his government by Hanno de Valois. This nobleman was soon after disgracefully turned out, and Meyler Fitzhenry, a natural son of Henry I, was sent in his room. Hugh de Lucy is the next justice of Ireland we meet with. A great many broils had happened between the Lucy and the Courcy family. At last, Lucy the justice, who was a most accomplished courtier, prevailed with the king to grant his warrant for apprehending Courcy; but the latter, being the better soldier, and very popular with the Irish-English, escaped all the plots laid against his liberty. The government, however, invaded his estates; but their forces, after a sharp rencounter at Down, were defeated, and driven back by the brave Courcy. Lucy then, who had a most irreconcilable hatred for this nobleman, bribed his servants, who agreed to seize their master as he was performing his devotions in the church on Good-friday, and deliver him up bound to the justice. This treachery was effected; but the valiant Courcy laid no less than thirteen of the traitors dead at his feet before he was taken. The survivors brought their prisoner to the justice, and demanded their reward. Lucy sent Courcy prisoner into England, where he was committed to the tower of London; but to the traitors he gave

Courcy
treacherously
taken.

A. D. 1201. gave a bark and victuals, though without seamen or pilot, together with the following passport, which they were not to unseal before a certain prescribed time, and which, for its extraordinary tenor, and to shew the genius and disposition of that age, I shall here transcribe :

An extraordinary passport.
Coxe.

I Hugh Lucy, lord-justice of Ireland, servant to my dread sovereign lord king John ; to all them who shall read these few lines, greet :

“ Know ye, that these men, whose names
“ are under-written, sometimes served Sir
“ John de Courcy, late earl of Ulster, but
“ now a prisoner in the tower of London,
“ and, for the sake of lucre, betrayed their
“ master into my hands ; for which I deem
“ them to be no better than the traitor Judas.
“ How hardly soever I deem of Courcy,
“ I hold them to be a thousand times more
“ damnable traitors. Wherefore, let no subject
“ in the king’s dominions give them
“ entertainment ; but spit in their faces, and
“ suffer them to rove and wander about like
“ Jews.”

The wretches, after being tossed about on sea, were driven into Cork, where, by order of the justice, they were all hanged. Soon after, Lucy obtained the forfeited estate of Courcy, and Fitz-henry was again made justice of Ireland.

John had, by this time, rendered himself extremely obnoxious and contemptible to the princes upon the continent. Philip saw this, and studied to improve it to the aggrandizement of his own power. The earl of March, whom John had so sensibly injured, was one of the most discontented noblemen ; and being a subject to John, the latter sought to disable him and his family from disturbing his beloved repose. For this purpose, he gave orders to the seneschal of Normandy to attack the castle of Driencourt, then possessed by the earl of Eu, brother to the earl of March. The noblemen, instead of having recourse to arms, applied for justice to the court of France, in hopes of drawing Philip in to be a party in the quarrel. This was what the latter wanted : he wrote to John, and, as lord-paramount, admonished him to treat his nobles with more justice and gentleness, otherwise he could not help interposing in their favour. John, who would willingly have avoided a breach with Philip, replied very justly, “ That if the noblemen complainants were aggrieved, their regular course was to have applied to his court before they had applied to that of Philip ; and if he, with their peers, had failed in doing them justice, that then his judgment might have been examined in the court of Philip by his peers.” Philip, who affected to preserve a great shew of moderation, appeared contented for a time with this answer ; but the affair of the two noblemen could not bear an examination even in John’s own court, and he put their hearing off evasively from time

to time. This delay was considered by Philip as a denial of justice. The king of England himself was summoned to appear, in fourteen days, before his peers at the court of France. This was a terrible blow upon John ; but the more terrible, when he found that his nephew Arthur entered a claim against him at the same time. It appears, that he employed the archbishop of Canterbury and the bishop of Ely to mediate between himself and Philip ; but the latter was inexorable, and strenuously insisted upon the rigour of his rights as lord-paramount. John, perceiving that things were likely to go very untowardly with him on the continent, now thought of securing in his interests his English subjects. With this view, he sent over the two prelates, to lay the behaviour and arrogance of the French king before the English government. Their letter of credence is still extant in Mr. Rymer’s collection ; though, I believe, inserted under a wrong year, the date of the year being wanting. It is of little importance whether it is to be referred to this or the preceding year ; but it is an evident proof, how cautious this prince was then of giving any umbrage to his English subjects, and that he thought himself obliged to account to them even for his conduct on the continent.

The king of England was, at this time, cut off from many resources which his predecessors had enjoyed in France. The great military tenants of the French court were now sincerely reconciled to Philip. The earl of Flanders had taken the cross, with the other princes of his family. The affairs of the emperor Otho were in great disorder, and the character of John himself was now so low, that he had lost the confidence of all his neighbours. The English alone continued faithful to their king, who had not yet given them just provocation to take arms. This encouraged him again to make a stand against the insolence of Philip. Upon receiving the final summons, he returned for answer, “ That he was not, by his tenor, obliged to appear without the bounds of his fee.” We have already seen, that there was some difficulty in the feudal law with regard to this point. Philip did not chuse to touch upon that string : his answer was, “ That whatever exemption John might pretend to, from appearing as duke of Normandy, without the borders of his own fee ; yet he could plead none as earl of Aquitaine ; and that, as such, he was summoned.” John’s reply was, “ That the appealing noblemen had never appeared before his court, and that he was willing to hold it at Angiers, from whence he would send letters of safe conduct to the noblemen.” But even this measure being put off through trifling pretences, Philip drew into the field his army ; having already, upon John’s non-appearance at his court, pronounced him to have forfeited all his right to the estates he held in France. All this was not able to rouse John out of his inglorious lethargy ; he truckled ; he begged that Philip would agree to some expedient

A. D. 1202.

He applies to the English.

Vol. i. p. 123.

See p. 602.

The earls of Eu and March apply to Philip.

John’s answer to Philip’s admonition.

A. D. 1202.

pedient for preventing a war. This the interested prince complied with, and proposed, that John should put into his hands Telliers and Butivant, the two most important frontier garrisons in Normandy. The French historians pretend, that those harsh terms were accepted by John, who, notwithstanding, delayed the execution of them; and Philip drew his army into the field.

Philip invades Normandy.

[Rymer,

p. 126, 127, 129.]

John may well be imagined to have been now in great perplexities. His English were all he had to trust to, and they perhaps were not yet arrived. It is true we find him about this time entering into a league with Sancho king of Navarre, and engaging in his pay a fresh body of Brabasons. One Simon de Havaret, or Havard, was employed in this service, and he had orders to promise all, who should take arms under him, proper encouragement both in money and lands. John likewise summoned Arthur earl of Brittany to do him homage at his court at Argenton; but that summons we suppose was disregarded. He likewise set on foot a loan from the clergy, with promise of speedy repayment, as appears from his letters patent published in Mr. Rymer's collections; but in those addressed to the province of Canterbury, the motive of his asking the loan is to succour the emperor Otho. All those subsidies, however effectual afterwards, were insufficient, at first, for stopping the progress of the French arms. Both Telliers and Butivant were taken in about three weeks, and Philip then laid siege to and took Mortemer, Lions, and, after a laborious operation, Gournay, situated between Andely and Beauvais, and one of the strongest forts in Normandy. Several other places, or perhaps the same places, under other names, are mentioned, upon this occasion, to have been taken by the French.

[Ibid.]

He takes Gournay, and many other places.

While Philip was carrying on the siege of Gournay, the earl of Brittany came to his camp, and, upon the town being taken, he was solemnly knighted by Philip's hands. The design of the latter, at this time, seems to have been to have raised a thorough revolt all over John's French dominions in favour of Arthur, who, being in his own power, would have been his creature. He gave that young prince great lustre, by appointing him tutors, guards, and a household. The French historians inform us, that he likewise contracted him to his own daughter, a child of four or five years of age. Be this as it will, it is certain that the French noblemen were very warmly in Arthur's interest, and two hundred Poictovin knights, all well attended, and well appointed, served him as his guard. Philip, at the time of his making him a knight, had given him the investiture of Poictou, which was generally in his interest, excepting some places held by the queen dowager and her noblemen, who seemed now to be the only obstacles to his success. His first expedition, therefore, was into Poictou, which he proposed thoroughly to reduce. But the active queen Eleanor had thrown herself into Mirabel, where she encouraged the garrison to

hold out, in hopes that they would quickly be relieved by John. Young Arthur and his governors imagined, that, if they became masters of the person of the dowager queen, they should succeed in all the rest of their enterprize without blows; they, therefore, suddenly invested Mirabel, and were in daily expectation of being joined by the Militia of Poictou, Berry, and Burgundy, who, by order of Philip, were preparing to march to their assistance. The siege was very warmly carried on, and the place was as obstinately defended. At last, one of its castles was taken, and the numbers of the besiegers daily increasing, the queen and her most determined adherents retired to the inner castle.

A. D. 1202.

Arthur besieges Mirabel and Eleanor in it.

John saw himself now in the most imminent danger of being stripped of all his French dominions. He was neither without courage nor abilities in the field, and was now obliged to shake off his indolence. The English had by this time joined him, and they, with some Brabasons he had taken into his pay, formed a small, but brave, army, with which he proposed to give battle to the earl of Brittany. The castle of Mirabel was reduced to extremity, when news was brought that the king of England was approaching; and the young earl, with his green-headed counsellors, instead of vigorously pressing the siege, drew out their troops with an intention to give the enemy battle. The success was answerable to the rashness of the resolution. The charge of the Poictovins was indeed very furious, and the battle continued for some time doubtful; but the bravery and discipline of the English bore down all resistance. Young Arthur received a total defeat, his troops were cut to pieces, or dispersed, and he himself, with two hundred knights, fell a prisoner into the hands of the English. John sent Arthur to Falaise; but the others were treated as rebels, being put in irons, and sent to different prisons, some into England, and others to Normandy.

John marches to its relief.

He defeats the enemy, and takes Arthur prisoner.

The friendship of Arthur would have been of more service to John than was his captivity; for Philip, sensible that his schemes were now absolutely disconcerted, raised the siege of Arches, which he had, for some time, continued with great fury, and put an end to the operations of the campaign that year, by retiring to Paris. John took this opportunity of repairing to Falaise, where he had an interview with Arthur. His intention was to detach the young prince from his connections with Philip; but Arthur, with a spirit more suiting to his blood than his situation, refused to abandon his protector, as he termed Philip; and even went so far, as to denounce the most heavy vengeance upon John and his dominions, if he did not put him into immediate possession of his claim, which was no less than the undivided succession to all the dominions which the late king of England died possessed of. John was startled at this fierceness in a mind so young; he grew apprehensive that it was nourished by some about the person of the young

A. D. 1202.

A. D. 1202.

whom he privately murdered.

He is summoned to the French court.

young prince; he endeavoured again to win him over, by applying every endearing blandishment; but all in vain. John, therefore, removed him to Roan, where he thought he would be kept more securely. But confinement and calamity were far from daunting the young prince; and John, with a barbarity incident to conscious demerit, thought he could be safe only by being bloody. For, soon after, the young prince was murdered; and there is room for believing that the murder was performed by the express order, if not by the hand, of John himself. The particulars may be seen in the notes (1):

The horror which this fact occasioned; lost to John the friendship of all princes, and the hearts of all people. From thenceforth he was looked upon as a monster and tyrant; and though a step nearer the crown, by hereditary right, than he was before, the proximity of his blood only heightened the public detestation of his person.

John again crowned in England.

We learn, that, after the death of Arthur, John, now looking upon his title to the crown of England as indisputable, came over to England, where he was a-new crowned by the hands of Hubert archbishop of Canterbury. But, at the same time, it is certain, that Arthur left a sister called Eleanor, and who had the denomination of the Beauty of Brittany. This unfortunate young lady was taken prisoner with her brother at the battle of Mirabel, and was sent over to the castle of Bristol, where she remained in confinement for forty years. As to the other prisoners, they were treated with the utmost

barbarity; no fewer than twenty-two Breton noblemen were starved to death in Corfe castle, while others lingered out their lives in various confinements.

The disconsolate Constance, mother to Arthur and Eleanor, now moved heaven and earth for revenge and protection. She applied chiefly to the king of France, who readily undertook her cause. He ordered John again to be summoned before his court; but when the day appointed came, he appeared there only by his deputies, the bishop of Ely and Hubert de Burgh. Their business was, to demand of Philip a safe conduct for their master to the French court. "He may come in peace," said Philip, with a stern, severe air. "But may he return in peace?" replied the bishop of Ely. "Yes, answered Philip, if the sentence of his peers will give him leave." The ambassadors perceived the insidious tendency of those words; they insisted upon farther explanation, and upon the king's granting the safe conduct required. Great difficulties, and at last an absolute denial, ensued; and Philip swore, by all the saints of France, "That he should return not otherwise than according to the judgment of the court." The bishop then told Philip, "That John was to be considered as king of England, as well as duke of Normandy; that the barons of England never would agree that their king should risque his life, or at least his liberty, at the French court, even though he should agree to it himself." Philip's answer to this was both ready and just: "If, my lord,

(1) Some time after, king John going to Falaise, caused his nephew Arthur to be brought before him, and gave him many good words, promising him great honours if he would quit the king of France, and adhere to him, as his lord and uncle; but he answered him disdainfully, and with threats demanded the kingdom of England, and all the dominions king Richard died possessed of, as his right by inheritance; and swore he never should enjoy peace unless he restored them. King John, very much incensed at his high demands, sent him to Roan, to be kept close prisoner in the new tower, under the custody of Robert de Viepont, where he suddenly vanished, though by what means is unknown. Matthew Paris adds, that it were well that it had not been as envious fame reports; that is, that he were not made away by his uncle's orders; which, though he will not speak out, he plainly insinuates. But I cannot here omit what Radulph de Coggeshal further relates concerning this unfortunate young prince, who, whilst he remained prisoner at Falaise, the nobles of Brittany and Anjou made great offers for his liberty; but being refused, combined afresh against king John. Wherefore his counsellors, seeing the great constancy of the British nobility, who would never be at rest so long as he was alive, or in a capacity to govern, they, upon this, advised the king to deprive him of his eyes and testicles, thereby to render him incapable of government or procreation. Wherefore, being provoked as well by the stubbornness of his nephew as the obstinacy of his adherents, he yielded, at last, that this cruel advice should be put in execution; which being committed to three of the king's most trusty servants to see it performed, two of them, abhorring such cruelty, slipped aside out of the way; but the third going to Falaise, and delivering his message to Hubert de Burgh, the king's chamberlain, and then constable of that castle, he was highly concerned, as was also the whole garrison, at this barbarous sentence; while the poor prince could only with tears bewail his misfortune: yet, at last, being transported with rage, he with his own hands fell upon him who had brought this cruel message; and as they were grappling together, Hubert de Burgh and the guards ran in and parted them; and so putting the man out of the room, they not only absolutely refused to execute his orders, but comforted and appealed the young prince as well as they could. Yet Hugh the constable, to mitigate the king's displeasure, as also to take away the hopes of the noblemen his adherents, caused it to be dispersed throughout the province, that duke Arthur was dead, by the severe execution of the king's sentence; so that the bells rung out for him in all places: but this sad news was so far from appeasing the Bretons, that they were rather the more provoked, swearing, that for the future they would never desist from making war upon the king of England, who had commanded so horrid a piece of cruelty to be executed upon his own nephew; so that, to appease them, those that kept duke Arthur were forced to tell them (truly) that he was still alive: but, at last, the king thinking that he should have no quiet so long as he lived (for king Philip and the Bretons still pressed for his delivery) resolved to dispatch him privately so soon as he was removed to Roan; so that no man can tell, to this day, how he came to his end. But since, some of the French, as well as of our own writers, have taken upon them to give a more particular account of the death of this unfortunate young prince. I shall give you their relations of it, without passing my word for the certainty of it; since, by the very circumstances of the story, it appears, that very few were trusted with the secret: but they say, that king John solicited some of his confidants, and in particular, William de Bray, to murder his nephew; but none would undertake it; and this very person plainly told the king, he was a gentleman, and not a hangman: wherefore the king, considering the importance of the affair, and the great mischief and reproach that the discovery might bring upon him, resolved to trust as few with the knowledge of it as he could; wherefore, coming one night in a boat to the foot of the tower of the castle at Roan, where duke Arthur was kept prisoner, he presently ordered him to be brought down, and put into the boat; whereupon the prince, apprehending his approaching fate by his uncle's silence, presently abating his former fierceness, flung himself at his feet, in hopes to obtain mercy; but the cruel king, without saying any thing farther to him, presently drew his sword, and run him several times through the body, till he had dispatched him; then carrying the corps some leagues down the stream, they flung it into the river Seine; to give some colour to the report, they had caused to be spread abroad, that this prince, thinking to escape out of the window of a tower, which stood over the river, had fallen into it, and so was drowned. But the annals of Morgan, printed at Oxford, give us a somewhat different account of the manner of king John's making away with his nephew, to this effect: That, some time after his imprisonment, the king, being much in drink, came to the castle of Roan, and there murdered him with his own hands; and then causing a great stone to be tied about his dead corps, had it cast into the river, out of which, not long after, it being dragged by a fisherman's net, it was known by some, and privately buried in the abbey-church of St. Mary des Luz. Tyrel.

A. D. 1203. "said he, the duke of Normandy's ambition led him to acquire a higher title, ought I, who am his lord, to lose his allegiance as my vassal? What is it to me, that he is king of England?" There was no answering this reason upon the principles of the feudal law; the ambassadors were silent, and judgment took place. The sentence, according to Paulus Æmilius, was, "That John duke of Normandy, not regarding the oath he had taken to Philip his lord, and being a homager of the crown of France, had, within the signiory of that crown, murdered his elder brother's son, who was also a homager of the same; wherefore the said John is adjudged a traitor, and, as an enemy to the crown of France, he is to forfeit all his signiories which he held by homage, and re-entry into the same was to be made by force of arms." Most of our historians affect to condemn this sentence, as unjust and partial; but that suggestion can proceed only from ignorance, or national prejudice. It was justifiable upon all the principles of the feudal law, against a vassal and a homager of the crown of France, as John certainly was, after regular summons, and a proper appeal; and it was considered as such in those times.

Sentence given
against John.

All the Bre-
tons join Phi-
lip.

Philip supported by arms the sentence of his court; he immediately took the field, though it was late in the year; he was joined by almost the whole body of the Bretons, who, in the happy name of Arthur, found their fancied hopes of glory vanished, and were exasperated to the last degree against John. A great many fortresses on this side of the Loire fell into the hands of the French; some of them were demolished, and some retained.

John's inglo-
rious indo-
lence.

The nature and the fortune of John were ever at variance; now that all his spirit should have been in motion, his senses were fast locked up within an uxorious embrace; and the day which ought to have been spent in the field, was wasted in the bed. The people saw all that passed with amazement, and John with indifference: "I shall soon," he cried out, retake whatever I now lose; "let Philip alone." Fascinating indolence! he had lost his innocence, and, with his innocence his spirit: he had dipped his hands in the blood of innocence, and was more fearful of reflection than punishment: he strove to delude his own breast, and to lose his consciousness in a stream of pleasure, which must soon ebb, and leave him on the shallows of horror and despair. The method of negotiation was first essayed, for prolonging his delightful dream: for we find (printed in Mr. Rymer's collection, and dated from Caen, where John this year spent his Christmas) a letter of credence, directed to Philip from John, as king of England, proposing a truce and a conference; the negociators being, the constable of Normandy, Robert de Harcourt, Roger de Tany, and the treasurer of Poictou. But this was what could not be obtained. Early next season, Philip took the field; and John, now satiated with indolence and inactivity, did the same, though

His endea-
vours for a
peace.

Vol. i. p. 132.

not so early; for Philip had besieged Ruil, a strong castle in the division of Roan itself, before he met with any interruption. Though the place might have made a long and vigorous defence, yet it was basely surrendered up by its governors, Robert Fitz-walter and Salier de Quincy, John's servants. But Philip, loathing cowards, even when their cowardice turned to his own advantage, put them in irons till they paid their ransom. Hugh de Gournay likewise surrendered up the strong castle of Montfort; as did the earl of Alençon his city, and all its dependencies: but those surrenders were made because the noblemen held the places in fee, and thought themselves obliged to side with the lord-paramount of the fee. John was, at this time, abandoned by almost all his military tenants; yet the remittances he constantly was receiving from England enabled him to raise an army of Brabasons, the constant support of his and his family's fortune. With those he took the field when Philip least expected, and sat down before Alençon. But Philip, getting together some troops, forced him to an inglorious retreat, in which he lost his tents and baggage. Philip then took Couches, Andely, and Vaudreuil; while John, unable to make head against him in the field, was carrying on a negotiation at the court of Rome, for bringing about a peace. Pope Innocent III. was yet alive; and as the favourite view of the court of Rome was always to keep peace when it could get no advantage by war, the pope sent two churchmen into France, with orders, that a general assembly of the states should be called, to make peace, and repair the churches and other religious buildings which had been demolished during the late wars. Philip, who had an interest to be well with the pope, was startled at this proposition, and his peers treated it with great indignation. There are extant, in the library of the French king, several letters from some great peers, wherein they beg his majesty not to yield to the pope upon that occasion, promising to stand by him with all their forces. Philip, upon this assurance, sent envoys to Rome, who managed with so much address, that Innocent was satisfied with his reasons, and the war continued.

John defeat-
ed.

The pope in-
terposes;

but in vain.

In the month of August, 1203, Philip formed the siege of Castle-Galliard, one of the most memorable that ever happened in France, whether we consider the strength of the place, the prodigious skill in the dispositions for the attack, the length of the siege, the courage of the assailants, or the obstinacy of the defenders. P. Daniel, in his history of France, has given an elegant and entertaining description of the place, and history of the siege; which, as it does not belong properly to English history, I shall not particularly transcribe; but as it is connected with my design, and as our English authors have mentioned it only in very general terms, I shall beg leave to introduce some circumstances of so celebrated a siege to an English reader.

Castle-Galliard was built upon the borders of its siege.

Description of
the place, and
of its siege.

A. D. 1203.

A. D. 1203.

Philip builds
a bridge across
the river.

He batters the
place in three
parts.

John's great
project for re-
lieving the
castle.

of the Seine, near Andely, by Richard; it was by him designed to serve as the bulwark of Normandy on that side; and so great an opinion had he of its strength, that he termed it Castle-Galliard, as if defying, with pleasurable tranquillity, all the efforts of France. Philip found difficulties in the attempt, which required a genius persevering as his was to surmount. A communication, by a strong pallisade, run between Castle-Galliard and the isle of Andely, whereon stood a well-fortified tower, called the Castle of the Isle. It was with this last-named tower that Philip began the siege; but the pallisade hindering the approach of his vessels, and the besieged having a free communication with the Veuxine, he found himself under a necessity of bringing down the river a great number of flat-bottomed boats, which he built on purpose. By their assistance he built a bridge quite across the river, and mooring four of his largest vessels just in the middle of the bridge, he reared upon that foundation, though with prodigious labour and loss of men, two wooden towers, that they entirely commanded the Castle of the Isle. By means of this bridge he transported great part of his army to the Veuxine, where his cavalry scoured the country, and cut off all its communication with the castles. He then brought over machines, and began to batter the place in three different parts. Roger de Lucy, constable of Chester, was then governor of Castle-Galliard, and acted with a courage equal to his high trust. John, ever since his unsuccessful attempt upon Alençon, had kept the field, at the head of his English and Brabasons, and had under him the earl-marshal of Pembroke, whose inviolable loyalty still kept him attached to his master's fortunes. This nobleman was one of the best commanders of the age, and a plan was formed for the relief of the castles; which discovers how compleatly John and his generals were masters of the art of war. Below the castles, Richard had built flat-bottomed vessels, to the number of seventy, proper for navigating that river, even where it was most shallow. On board of those vessels John put three thousand of his Flemish mercenaries, and two of his best seamen, with a famous pirate, termed Alain, and his crew. Their orders were, that they should row up the river, so as to reach the bridge on which the enemy's tower was built, by a certain time; that when they reached it, they should begin to assault it, and, in the mean time, endeavour to make way for a number of small boats, laden with provisions, which followed the main fleet, and which were designed to revictual the castles.

This operation being settled, the earl of Pembroke put himself at the head of seven thousand three hundred men, all pick'd troops, with an intention to assault the enemy's camp, as nearly as could be computed, just at the time when the fleet should begin the attack of the bridge; the whole to be supported by king John himself, at the head of his remaining forces. The earl-marshal's detachment marched, and the fleet rowed in

the dead of night, without any military noise or music; but a strong tide setting, and a fresh breeze springing full in the teeth of the marines, the land forces reached their destined place long before the others could come up. In vain did the earl wait for them, that they might together begin the assault. The night being far spent, he began it by himself upon the out-quarters of the camp, where the sutlers and other retainers of the army lay. Those being suddenly put to the sword, a panic seized the camp itself; and the French fled in such numbers along their bridge, that it broke down, and many were drowned. Some of their generals, however, made head with the remaining troops, and after lighting fires all over their camp, the English, now occupied in plunder, were partly killed, and partly dispersed.

The French historian, who lived in those days, owns, that if it had not been for the accident of the fleet's being retarded, the French army must that day have been utterly ruined. It was break of day before the fleet could come up. By this time the bridge was repaired, and Philip had leisure to draw out his army on both sides of the river. The ships, however, advanced, and the marines behaved with great intrepidity amidst all the showers of darts and other missiles sent from both sides of the river. At last, the assault of the bridge itself began, from the two foremost vessels, with repeated shocks. Some of the most forward marines fixed with their grappling irons upon the bridge, and with hatchets, levers, and other instruments, endeavoured to cut the cables and joists. They were supported by a general discharge of missiles upon the enemy, from the whole fleet, as well as from the Castle of the Isle. But the combat was unequal; the defenders of the bridge were well provided for their defence; they plied the assailants with great stones, fire-pots, and other combustibles, with which the towers upon the bridge were stored; and having firm footing, they had great advantages, both in aiming their blows and their missiles. Notwithstanding all those discouragements, the assailants would have carried their point, had not two beams, of a prodigious length and thickness, been directed from the tower of the bridge, so as to light full upon the two foremost vessels, which had fastened on the bridge, and to sink them. Upon this, the assailants lost all hopes of success, and their commanders made a signal for a retreat, in which they were harraßed by some light, well-armed vessels, sent in pursuit of them by Philip. Soon after, Philip, by means of one Gaubert, a native of Mans, consumed the pallisades of the Castle of the Isle, which preserved the communication with Castle-Galliard. This person, being an excellent swimmer, and endowed with a peculiar faculty of breathing long under water, tied certain pots, filled with wild-fire, to the beams of the pallisades, which in a short time were burnt down. Upon this, Philip filled all his boats with soldiers; and the communication with Castle-Galliard and the main land being now cut off,

The earl of
Pembroke as-
saults the
French camp.

Narrow escape
of the French
army.

The English
fleet obliged
to retire.

A. D. 1204. off, he made himself master of the Castle of the Isle, by means of his small boats, which he filled with armed men. He then put a strong garrison in this castle, in which was a body of Brabasons, to whom and their chief (one Cadoc) he allowed a thousand livres a day. But the resolution of the governor of Castle-Galliard rendering all his attempts upon it fruitless, he turned the siege into a blockade, and with part of his forces took Radpont, an important castle, about ten miles from Roan. In three weeks he returned to the siege of Castle-Galliard, which, more and more despairing of being able to carry by force, he blocked completely up on all sides. Lucy had, before this time, sent out of the town all useless mouths. Philip generously suffered them to pass, and building conveniencies round the castle for his own troops, he himself retired into winter quarters. It is now time to return to John.

The siege turned into a blockade.

That prince had kept the field during the greatest part of the last campaign, but without doing any thing worthy notice. After seeing himself stripped, by degrees, of his French estates, he went over to England. There he behaved in a very unpopular manner, accusing the barons and nobility of not supplying him sufficiently for making head against the power of France. It appears, that the archbishop of Canterbury, and the high-justiciary himself, thought there was some foundation for this complaint; for we are told, that by their assistance he took from his barons (I suppose, those who refused to assist him) the seventh part of their yearly rents; nor were even parish and conventual churches spared in their contingencies, to supply the government at this time. John kept his Christmas at Canterbury, at the expence of the rich archbishop of that place.

John's exactions in England.

His taxes.

On the 2d day of January, 1204, a parliament was held at Oxford, where an aid was laid on, of two merks and a half for every knight's fee, and proportionably for ecclesiastics. But all this time the degenerate prince, though hearing daily of some loss he was sustaining in France, would do nothing to make head against his enemy; but trusted all to the hopes of succeeding, by ill-projected negotiations, for a peace.

Philip returns to Castle-Galliard.

About the beginning of February, Philip returned to the blockade of Castle-Galliard, which was still held out by its brave governor. In time, by incredible efforts, and encouraging his men by his own example, he made himself master of the outer tower of the place; but the garrison, which was reduced now to a handful of two hundred men, retired to the other towers. At last, one of them was carried by the courage of one Peter Bagis, so called from his snub nose, who, with a few followers, got in at a window neglected by the besieged. These making themselves masters of the place, gave an opportunity for the king of France to advance against the main tower with all his battering engines. It was not long before Lucy, finding himself without a day's provisions for the small garrison that was left him, generously resolved to cut his way

Castle-Galliard taken by Philip.

through the enemy, at the head of his followers; but being overpowered, he was taken prisoner. Philip, however, in admiration of his fidelity and courage, gave him very honourable entertainment, and caressed him with the highest marks of his favour.

A. D. 1204.

The taking of this important place was followed with prodigious advantages to Philip, in point of reputation, as well as of interest. The first thing he did was, to repair the breaches of Castle-Galliard, and to render it as strong a barrier against Normandy, as it had before been against France. In proportion as Philip's reputation rose, that of John sunk, in the world. Before he went for England he had given the government of Normandy to two Brabason captains, not chusing to trust the fidelity of his barons. This mad and mean step facilitated the views of Philip, which centered in the immediate conquest of all Normandy. Falaise first fell into his hands. That important city was garrisoned by one of John's Brabason governors, whose name was Lupicar, and who, upon the rendition of the place, took service with his troops under Philip. The taking of Falaise was followed by the surrender of Evereux, Sees, Bayeux, Coutance, Caen, and almost all the lower Normandy.

Falaise taken by him,

with many other places.

Towars, the husband of Constance duchess of Normandy, proved, upon this occasion, an useful ally to Philip. That nobleman, with an army of Bretons, besieged Mount Michael, which had been extremely well fortified by Richard and his predecessors. It however held out only a few days, and was laid in ashes by Towars; but soon after rebuilt by Philip. Towars next attacked Avranches, and took it, with all its dependencies. He then marched to Philip at Caen, where it was agreed, that he, together with the earl of Bulloign, and William des Barres, should march, at the head of a strong detachment from the main body of the French army, to Poictou and Mortain, while Philip himself should attack the higher Normandy.

Mount Michael besieged,

In consequence of this plan, the siege of Roan was formed by the king of France. That city was very strong for those times, being surrounded by a double wall, and a tripple ditch. Its inhabitants were very numerous, and the river Seine running by its walls, it was impossible to invest it entirely all at once: Philip, however, attacked them so vigorously, that, after forcing one of their towers, he obliged them to beg a capitulation for a truce. The terms were, that Philip should, for thirty days, delay all hostilities, that they might have time to inform John of their condition. That, during that time, he should forbear all hostilities against Arches and Vernuil, with which two places the inhabitants of Roan had entered into a kind of a league, offensive and defensive. That, in case they were not succoured within that time, the inhabitants of Roan, and those of the other two places, if they came into the capitulation, should surrender to the French army. Several other terms likewise

Philip forms the siege of Roan,

were

A. D. 1204.

which, with
Arches and
Vernuil, is
surrendered.

were stipulated, and the king was to keep in his own hands the fort he had taken.

The time being expired, Roan surrendered, together with Arches and Vernuil, which compleated the conquest of Normandy by Philip, two hundred and ninety-two years after its being dismembered from the crown of France, in favour of Rollo, the ancestor of the dukes of Normandy.

The capitulation ill observed by Philip.

John seemed to remain insensible and indolent during all this inglorious campaign. He was still in England, from whence, towards the end of the year 1204, he sent the bishops of Ely and Norwich, with the earls of Pembroke and Leicester, to treat with Philip of an accommodation. That prince was then at Roan, where he very ill observed the capitulation agreed on. Among other articles, it had been stipulated, that the privileges and franchises of the city should be preserved; but Philip, sensible of the irreconcilable hatred which all the inhabitants entertained against the French, demolished the walls of the city; nor could he ever be prevailed upon to suffer them to be rebuilt. When the English ambassadors came to his court, and had laid their commission before him, he seemed not at all averse to the conclusion of a peace, provided that Eleanor, the princess of Brittany, was married to his younger son, and had, for dower, all the dominions that belonged to John in France. This proposition being found highly unreasonable, was rejected on John's part, and Philip disposed his arms to support the war in Aquitain and Poictou, where many places, under the influence of the queen dowager and John, still held out. Robert de Turnham, who commanded for John, and one Savary de Malleon had hitherto the advantage in most rencounters; but Philip was more successful in Anjou. There William de Roches, seneschal of Main, who had joined the French, with Cadoc, general of the Brabasons, took Angiers, and many other places. Philip, at the same time, fell with another army into Poictou and Tourain, where he took the cities of Tours and Poictou, and then Loudun; but the season being too far advanced, he was obliged to block up Loches and Chinon, which refused to submit. He then prevailed, by great promises, with the noblemen of Poictou to swear a voluntary fealty to him, and marched, for that year, into winter-quarters.

Rigord. Cart. du Phil. Aug.

So rapid a stream of successes must needs amaze a reader, who has just seen the great stands which John's predecessors, and he himself, had so often made against the power of France; but the reason, if we consult the complexion of his history, may be easily accounted for. The English nobility began now to reflect upon the fatal effects which their king's frequent absence abroad had upon their affairs at home. They saw themselves drained to support his foreign wars. They found that his good or bad success equally burdened them, though not equally dangerous to their liberties; for the more powerful he grew abroad, the more enabled he would be to rivet their chains at home;

Reflection of the English.

but if in France he was weak, in England he would be the more easily opposed. I will not say that those sentiments were, as yet, openly avowed by the English; but it appears, at this time, to have been their general sense: for John, who was yet in England, receiving daily messages from his French subjects, setting forth the hardships and extremities to which they were reduced, was unable to give them any farther relief from hence. He told them not to deceive themselves; that they could expect no assistance from him, and that they might do as they pleased. This, no doubt, gave great spirits to the court of France, and equally discouraged John's subjects there, and may well account for the facility and quickness with which Philip conquered so many fair possessions. But other causes co-operated in this great event. John himself was now sunk into a degree of sottishness: in the arms of his wife he neglected all that was due to the fame or honour of a king, and every thought of power and glory seemed to be charmed away within that bewitching circle. This gave the more common rank of his subjects, who generally judge by appearances, a great contempt for his person; he was not an Englishman who would fight for such a king; and, in a short time, this spirit of contempt of the crown encouraged the French to form the scheme of an invasion. For we are told, by Coggeshal, that a confederacy was about this time formed, in which the crown of France, with the families of Louvain and Bulloign, were parties for invading England. The duke of Louvain and the earl of Bulloign were to make the first attempt, and Philip swore that he would support them with all his force. But the knowledge of this design perhaps was of the most important service to John, since, however despicable he had yet rendered himself, his sway was infinitely preferable to that of foreigners governing by conquest.

Invasion designed against England.

The year 1204 was distinguished by the death of Eleanor, the elder queen dowager of England. Of this princess before. She had experienced great variety of conditions, though none of fortunes. Her first husband was contemptible to her, and she to her second. Her fifteen last years, notwithstanding her losses, seem to have been the only happy ones she enjoyed; her former years being made up of uncomfortable and undesirable greatness. In her first marriage without happiness, in her second without power, and in both without satisfaction. Her resentment against the family of Brittany is justly blamed.

Death of queen Eleanor.

In France the campaign began by Philip's besieging Loches, one of the places which still held out for John. It was taken, after an obstinate resistance, and Chinon surrendered soon after. The balance of power in France, which had been long maintained by the greatness of her military tenants, was now entirely overset by Philip. Baldwin earl of Flanders, its main support under the dukes of Normandy, in his expedition upon the crusade, had, by his own valour, and the assistance of the Venetians, been raised to the throne

Philip's great progress in France.

A. D. 1205.

The concurring causes of Philip's greatness.

throne of Constantinople, after the destruction of the tyrant Murfuphus, who had, with his own hand, strangled the young Alexis, son to the emperor Isaac Angelus. Lewis earl of Blois had been killed in an ambuscade during the same expedition, where Baldwin the new emperor was taken prisoner. The earl of Champaign was an infant in the cradle, and a ward to Philip. Thus all the great families, that of Brittany excepted, which used, under John's predecessors, to form those powerful alliances that curbed the power of France, were at this time extinct, or unable to oppose the progress of that crown. Toward earl of Brittany alone began to see how dangerous it was to his new-acquired dominions for Philip to acquire more power upon the utter ruin of the Norman interest in France. Constance, the dowager countess, in whose right he had become earl, was now dead; so that he had no longer those private and personal motives for opposing John as before. The consideration, therefore, of his own danger, led him to enter upon an accommodation with John, who still had footing in Poictou.

The earl of Brittany comes over to John.

This was a favourable incident for John. He had kept his Christmas last year at Tewksbury; but so much was he now despised, that the solemnity lasted only for one day, on account of the thinness of his court. He had, however, still one resource left, amidst all the discontent of his people; and that was those great barons in England, whose estates in France were affected by the revolution there. It was impossible for them to hold their baronies under Philip and John at the same time, and their assisting the latter was the only method by which they could recover what they had lost by the former.

State of the nation, and the revenue at that time.

Notwithstanding all the distress and contempt which John had fallen into at home, yet the feudal system, though impaired, was still in force. As I have often observed, it was equally the interest of the barons themselves, as of the crown, to support it. But a great variation in the manner of their performing their services had, by this time, prevailed: for the fees due by the old feofments were now become precarious and uncertain. It was often doubtful, whether lands were holden by knight-service, or some other; whether grand serjeancy, or soccage-tenure; whether they held immediately of the king, or of some other lord. The number of knight's fees, by which they were holden, was now very doubtful likewise, with many other circumstances. Great aids, taxes, and armies could therefore no longer, as before, be raised by the prerogative alone. Esuage, and other taxes, were collected by the sheriffs of the counties, who were obliged to make inquisition, by the oaths of jurors, into the particulars necessary to ascertain the respective quotas, which lands were to furnish. This was a great point gained to the subject, and made room for another, which was, that not only all extra-feodal, but feodal, services came under the cognizance of the great inquest, that is, the great council of the kingdom. As the propriety of granting those

Much altered in favour of the subject.

aids could not be known, without an enquiry into the propriety of measures; so we find that the barons now began to look upon themselves as judges of measures, that they might be so of supplies. But this was a point which must cost the nation a violent struggle, before it could be given up by the crown.

For the correspondence entered upon between John and the earl of Brittany now made the former conceive some hopes of being able to recover at least some of his estates in France. He had still a great family estate in England, and many Anglo-norman barons were ready to join him. About Whitsuntide, therefore, in 1205, he raised a considerable army (but, as appears, without advice of his great council) with an intent, as he declared, to pass over to France. This step was extremely disagreeable to the government here. The archbishop of Canterbury and the earl-marshal fell upon their knees, to dissuade him from hazarding his person, at a time when his enemy was so powerful upon the continent, where he had nothing to trust to but the fidelity of the inconstant Poictovins, while such dangerous humours were ready to break out in England, and which could be only removed by his presence, with a wife and gentle administration. This dutiful language being not fully understood by the king, they were obliged, in plain terms, to let him know, that they were resolved to detain him by force. John, finding it to no purpose to be longer obstinate, then laid aside the thoughts of the expedition. Soon after, seeming to resume it, he went down to Portsmouth, where he hired some ships, and, with a handful of followers, put to sea; but he quickly returned, and charging his tenants with contumacy, in refusing to follow him according to their tenures, he unwisely and unseasonably levied, by his sole prerogative, a large tax, which afterwards put the nation upon the expedient of guarding against any such stretches of power.

His exactions.

Though the English nobility would not venture to trust John at the head of an army; yet they had no objection to the earl of Salisbury going this year over with some forces to France: but he came too late to be of any service to his master's affairs there. The most considerable places, both of Anjou and Aquitaine, had, before this, fallen into Philip's hands; and we find that the earl of Brittany did not yet venture to declare against that prince.

The earl of Salisbury sent with an army to France.

All this time John remained in England, chained up to inactivity by the reluctance which his great barons discovered to second him in any of his undertakings. The death of the archbishop of Canterbury, which happened just as the king had put to sea from Portsmouth, gave him some joy; but his spirit still remained in the public councils of the nation: for we find that, during all the remaining part of this year, John was able to enter upon no new expedition.

The death of Hubert archbishop of Canterbury.

But, in the year 1206, the earl of Brittany entered into a confederacy with John, to join him with all his troops, if he would come

A. D. 1206.

A. D. 1207. come over in person to France. About June that year, John found means to raise a body of men, with which he put to sea, though, as appears, contrary to the advice of his great barons; and, when joined with those under the earl of Salisbury, the whole formed a considerable army. Philip's intelligence was too good for him not to be informed of the treaty, that had been by this time concluded, between John and the earl of Brittany. He immediately, before John landed in France, marched into Brittany, where he besieged and took Nantes, and forced the earl, or, as the French historians call him, the duke, of Brittany to beg for a peace, which Philip granted him. From Brittany Philip marched into Poitou, where he visited and fortified the frontier places that were in his possession. From thence he went to Paris, and soon learned that John had landed at Rochelle, and that the Poictovins had declared in his favour, particularly the viscount of Towars, seneschal of Poitou, and brother to the earl of Brittany. Before Philip could take the field to oppose his enemies, John had, by the assistance of the Poictovins, taken Angiers and Mountauban, and were ravaging the lands belonging to the subjects of France. Philip, as soon as he could get his army together, fell with great fury into Poitou, where he ravaged, in sight of John, who durst not venture a battle, the lands of the family of Towars, and reduced the confederates to the necessity of proposing an accommodation. Philip readily agreed to this, and the place for an interview between the two kings was appointed. But the evil genius of John would not suffer him either to make war with vigor, or peace with honour. Upon his first successes, he had filled all England with boastful accounts of his exploits and spoils; and, before he had done any thing effectual, he hurried back to England.

Philip was surprized when, coming to the place of conference, he found that John had been gone for England for some days. The negotiation, however, went on, by means, according to our English historians, of certain religious persons, who had undertaken the accommodation, and a truce was agreed upon for two years. Nothing could fall out more favourable for Philip than such a cessation, which gave him time for regulating and settling his new acquisitions.

But there is, upon the face of our history, something very mysterious in John's abrupt departure out of France. The reason of it can be explained only by what immediately followed. For having kept his Christmas at Westminster, a common council of all the nobility was summoned to meet at London, on the 8th of January, 1207. He there demanded an aid of the clergy, to be assessed from their revenues; but they making an obstinate resistance, the council was adjourned to Oxford, where it sat about the beginning of February following. The same demand being repeated, and refused there, as unprecedented and intolerable, the king entirely desisted from it. But we learn that afterwards

another proposition being made for a more general tax, the same was carried. As this tax was of a very extraordinary nature, I shall here give some notion of it, from the words of the record. It sets forth, "That, by the consent of the common council of the kingdom, it had been provided, that, for the defence of the kingdom, and the recovery of the king's right, every layman possessed of any fee, be what it would, throughout all England, who had rents and chattels, should pay, of every merk of his yearly rent, twelve-pence; and the like for every merk's value he possessed in chattels: and that all stewards and bailiffs of earls and barons should swear before the king's justiciaries concerning the value of their lord's rents and moveable chattels, and of their own likewise. It was likewise ordered, that all other subjects should do the like before the king's justiciaries, or commissioners; and that whoever should be convicted of secreting or conveying away any part of their estates or effects, with intent to defraud the king, should be imprisoned during the royal pleasure, and forfeit all his estate to the king." Such were the most important provisions contained in the writ by which this tax was collected. Every county had one directed to it, together with the names of the commissioners who were appointed to make up the rolls, copies of which they were to transmit to the several sheriffs of counties.

The reader may perceive, that this tax is imposed upon every layman only; but John it seems put a construction very different upon that word from what the clergy expected. Thinking (it is probable) that every churchman who possessed a lay-fee, and was obliged to lay-services, came under that denomination, he extended, according to Matthew Paris, and our other historians, the tax indiscriminately over the clergy as the laity; the Cistercian monks alone were excepted. The clergy, however, were obliged to submit, and none appears to have made any resistance but Geoffrey archbishop of York, who, with his usual spirit of opposition, rather than submit to pay it, chose to leave the kingdom, having first excommunicated all invaders of the goods of the church, particularly within his diocese.

But, that the reader may be able to form a judgment by what means John carried so important a point in a great council of England, to whom his power and person were so obnoxious, we are to consider, that, in reality, his pretences of going into France, and of levying an army for that service, were chiefly designed that he might the more effectually overcome the English. It appears to have been with this view that he so unaccountably broke off the negotiation with Philip, and hurried back into England, where he was not expected, with his army, which being composed of his own soccage and other demesne tenants, was immediately under his own command. That he brought back his army on this occasion, we have the express testimony of the annals of Waverley. "He returned, say they, with

A. D. 1207.
John passes over to France.

Philip invades Brittany, and forces the earl to renounce his treaty with John.

A conference proposed.

John hastily passes over to England.

A truce agreed upon for two years.

Story of the council at Oxford.

A. D. 1207.
An unusual tax.

[Annales Waver. p. 169. inter script. hist. Ang. vol. ii. Pat. 8 and 9. Joh. iii. 3.]

Reflections upon the same.

Refused to be paid by the archbishop of York.

A.D. 1207. "with a vast crowd of soldiers, both going before, and following him." A prince of John's dispositions, with such an army at his devotion, while the nation was little dreaming of any such thing, might easily over-awe a parliament to grant what he demanded; and this I apprehend to have been the true reason why this uncommon supply was then granted.

Ecclesiastical transactions.

A great ecclesiastical event, which happened about this time, demands a place here, as it turned upon civil principles. Upon the death of Hubert archbishop of Canterbury, the monks of Canterbury, before their prelate was buried, met secretly, and chose one Reginald to succeed Hubert as archbishop. Immediately after the election, the monks enjoining secrecy to Reginald, sent him to Rome for a confirmation of their election. But the vain priest no sooner landed in Flanders, than he blabbed out the whole secret, which coming to the ears of the monks, they, by John's leave, chose the bishop of Norwich for their archbishop, and his election was confirmed by the king. In the mean time, Reginald reached Rome; but found the pope very backward, till better informed, to grant him any confirmation.

The suffragans of Canterbury petition the pope,

But, while this matter was in dependence, the suffragans of the diocese of Canterbury sent to the court of Rome a strong remonstrance, complaining of the invalidity of both elections, and setting forth, that they had a right to be present at all elections of archbishops of Canterbury. The pope, glad of an opportunity of at once humbling the king and the bishops of England, made many trifling delays, and put off the monks, who had been sent, on the part of the king and the bishop of Norwich, to Rome: but, at last, he declared both elections void; only he said, that the convent certainly had the power of electing an archbishop solely and exclusively in themselves, though they had been irregular in the election of Reginald. He therefore desired that they would instantly set about another election, and told them, that there were, at his court, a sufficient number of them to proceed to a new election, which he desired might fall upon cardinal Stephen Langton, an Englishman, and a churchman of great eminence. The monks were startled at this new and insolent doctrine. They represented, that it had ever been understood that the king had a right to be consulted upon the choice of an archbishop; but their own precedent, in choosing Reginald, cut them off from that plea. They were therefore obliged, all of them, excepting one Elias de Brainfield, to submit to chuse the person nominated.

who appoints Langton the archbishop of Canterbury.

Could the pope have smoothly won the king of England over to have confirmed this election, and to have received Langton, a great point would have been gained. He sent him a present of four rings, set with four different precious stones; and a foolish letter, too impertinent for history to transmit, relating to the mystical meaning of those stones, and the rings rotundity. He at the same time strongly recommended to him the

The pope writes to John in his favour.

new archbishop, and wrote a peremptory letter to the other monks to receive and obey him.

A.D. 1207.

Had the principles of John's resistance to the see of Rome, upon this occasion, been virtuous, his behaviour would have merited applause. All the pope's wheedling could not win him from his purpose: he charged the monks, who had been concerned in the new election, with treason, and with betraying their trust, having been sent from him, and furnished with money out of his Exchequer. He did not stop here; he sent two knights, Fulk de Cantelupe and Henry de Cornhulle (men extremely well fitted, by their morals and dispositions, to execute such a commission) to Canterbury, to drive out all the monks from thence, and to seize all their estates. The two knights performed their orders very punctually. Finding the monks making some difficulty to be gone, they entered the monastery with their swords drawn, and swore, that if they did not instantly depart, they would burn both them and their monastery. This daunted the brotherhood; they departed, and left the knights in full possession of all their estates, houses, and effects.

John is incensed with the clergy.

and dispossesses the monks of Canterbury.

John then sent letters to the pope, expostulating upon the treatment he had received from his holiness: he said, that he would maintain the election of the bishop of Norwich to the last; that if his holiness refused him a favourable hearing, he would shut up all his ports, and prohibit all intercourse with Rome; since, having within his own territories many ecclesiastics eminent for piety, learning and virtue, there was no occasion for him to have recourse to foreigners. He added, that Langton was a person unknown to him, that his education had been in France, and that he had held treasonable correspondence with his avowed enemies. The pope, finding that John acted with so much spirit, fell to the arts of wheedling him over, by putting him in mind of the differences of the crown with Becket, and the death of that prelate; but John was unmoveable in his resolution, not to receive Langton as archbishop. Upon this, the pope, with great seeming reluctance, commanded the bishops of London, Ely, and Worcester, to expostulate with him, and if they found him still contumacious, to threaten the kingdom with an interdict. Scarcely had they mentioned the word, than John, flying into a passion, swore, By the teeth of God, that if they, or any of their cloth, should presume to interdict his dominions, that he would drive all bishops and all clergymen to the pope, and seize their estates. He added, that if he should send a Roman (by which, I suppose, he meant a retainer of the court of Rome) within his dominions, he would slit his nose, and cut off his ears, and then send him to Rome, that he might be thereby distinguished from all other nations. But some days after, upon cooler thoughts, he proposed to compromise the affair as his great council should advise him, saving still to himself, and his heirs, the rights and dignity of his crown.

John expostulates with the pope.

The pope sends bishops to expostulate with John.

A. D. 1207. crown. This was, in reality, no concession, since the pope would have gained nothing if he had admitted the matter to be left to this decision; or rather, he would have lost his chief aim, which was, to have established in the monks of Canterbury, who were absolutely at his devotion, an exclusive right of electing an archbishop. Besides, the temper of the nation, at that time, was such, that John durst not have ventured to call a great council. Matters being now brought to a crisis, the kingdom was actually interdicted; and the prelates who executed the sentence, to avoid the king's vengeance, withdrew from the kingdom, as did several others.

A. D. 1207. pleased with the opposition he made to the pope, yet it soon appeared, that all John aimed at was to strengthen the power of the crown by this rapacious acquisition of the church lands. The king grew sensible of his danger, should this be universally understood. A great many of the ecclesiastics, and some bishops, in defiance of papal authority, had continued the exercise of their sacred functions. Those John affected to treat with greater lenity; he restored them to their privileges and properties, by special writs; he likewise remitted several severities against the persons of inferior clergymen. But all this was ineffectual for the removing the bad impressions which his conduct already had given to his people.

His kingdom being put under an interdict, he proceeds severely against the clergy; John then made a kind of appeal to the people of England; he set forth the influence of the pope, and sent down commissioners to inform his subjects how he had been treated. But, during this time, there was a stop of all ecclesiastical ceremonies, excepting confession, baptism, and the administration of the eucharist to dying persons; bodies lay unburied on streets and in ditches, and the king seemed rather exasperated than reclaimed; for he issued out his precepts to his sheriffs and officers, with orders, that all prelates and inferior clergy should forthwith repair to Rome, and require the pope to do justice to the crown of England for the injury he had offered it. He likewise sequestered into the hands of laymen all the rents of the church; but John was not upon so good terms with his subjects as to enforce obedience to this order. The prelates and abbots equally dreaded the power of the pope as of the crown; they knew that the people of England would not see their persons abused, and their estates confiscated, if they acted as Englishmen. They refused to leave their monasteries, and the officers durst not venture to force them. However, the king seized their temporalities, allotting out of them a sparing allowance to their late possessors. His officers likewise laid hold of all the whores of the clergy (*focariæ* (1), as our author calls them) through England, and obliged them to pay down large sums to ransom themselves out of prison. If any monks, or ecclesiastics, were found on horseback, they were robbed and abused; and a person being brought bound before the king, for the murder, as well as robbery, of a churchman, "Unloose him," said the king, "for he has only killed an enemy of mine."

Conscious of his own former encroachments, he grew afraid lest the pope should absolve his people from their allegiance; in which case, he knew many would take arms against him; he therefore demanded of all he suspected, which was almost the whole body of his nobility, hostages for their fidelity. Some of them complied, and sent to the king their sons, nephews, and their nearest relations. Among others who were required to comply with this order, was William de Brause. The king's messengers demanding of this baron hostages for his good behaviour, his lady forwardly and uncautiously answered, "That she never would trust her sons with a man who had murdered his own nephew:" but her husband, with more moderation, answered, "That if she had been wanting in her duty, he knew what was his; that if he had offended the king, he was ready, without being bound to it by hostages, to answer for that offence before the king's court, and his peers." The messengers returning to John with this answer, the latter flew into a furious passion, and sought to entrap the baron and his family; but being forewarned, they fled to Ireland.

These rigours, against so great a body as the clergy of England then were, and possessed of such a vast weight of property as they enjoyed, were unjust, as the innocent as well as guilty were involved in them. The king found none, but the most abandoned ruffians, who would execute them; and though the nation in general was well

John was now degenerated into an odious tyrant. A tyrant has his flatterers, he has his instruments, he has his executioners; but he has no friend: the scenes of public life, and those of domestic retirement, are equally fatal to his repose: he is ever in pursuit of joy, but he can only catch pleasure: he endeavours to stifle disquiet in his bosom, but it ever rises more keen and more stinging from pressure: his cup overflows with gall, his crown is lined with thorns, and his bed is strewn with caustics. The wanton dalliances of John with his wife, were now converted into bitter jealousies of her conduct: his fury refrained from taking her life, but wrecked itself on all whom he suspected. Many were put to death, and the queen herself was shut up a close prisoner; though she had already born him a son (Henry) and was at this time big with child: but her

(1) Mr. Collier very modestly translates this word, wives. I should not have animadverted upon this gentleman's decency with regard to his function; I think it is laudable; but he ought to have had some regard to the sanctity of matrimony at the same time, and not have given scandal to women of virtue, in translating a term which even in Latin is not over chaste, and has given rise to the most impure expression in all the English language, by the word wife. The honest author of the Annals of Waverley has taken care to avoid all ambiguity in this passage: *Præcepit (says he) ut concubinas et focarias, et amasias presbyterorum et clericorum inventas, comprehenderent; quoad usque a presbyteris et clericis pecunie redemptione redemerentur; quod et factum est.* "He ordered all the concubines, strumpets, and mistresses of clergymen and priests to be seized and secured till they were ransomed by the clergymen and priests with money; which was done."

A. D. 1209.
Westminster.

confinement lasted only for a year. The author from whom we have the above fact, likewise informs us of an Herodian action performed by John this year: for, finding the spirit of opposition ready to break out in open arms, he put to death, upon gibbets, at Nottingham, many sons of noblemen, and others, who had been given him as hostages for their parents fidelity. The same author informs us, that there was no impurity a stranger to his person at this time; that he debauched the wives and daughters of many of his subjects, and thereby became detestable in the eyes both of God and man. It is to this period likewise that we are to refer his prohibiting the English from taking and killing feathered game, and depriving them of their privileges of hunting. But we find, that this year he had a visit from his nephew, Otho the emperor, who carried off a large sum by way of subsidy. And from all those oppressions the English now meditated how to deliver themselves.

Remarks upon
opposition in
general.

When we read the histories of tyrants, who have ruled a brave, generous people, indignant of slavery, and impatient of the yoke, we are apt to cry out, "Where are the hands, where the courage, of this people? How can the tyrant find means to carry his cruelties into execution?" But we are to consider, that in all states there are men, who, under quiet regulated government, may pass unnoted in the common mass of the people; but who are ripened, who are encouraged to stir, either by bold faction or licentious power. Hence Catiline found abettors, and Caligula instruments. The executive power of the English government was then lodged in John. He was suspicious, and therefore watchful. It required a deep plan of policy, a long train of concert, to lay a regular and a practicable system of opposition. John had attached to himself all the wicked, the profligate, the needy, and the venal, who sought particular relief from common calamity. Opposition is formed of many members, perhaps all of them not respondent to the same principle; some might oppose from private, some from general, motives. Hence, though all might be agreed as to the end, there might subsist great differences as to the means. Tradition, not always despicable, speaks of a large room, worked out of the live rock, the passages to it winding, and deep under ground, and still to be seen, where the castle of Holmsdale at Ryegate, the head of the great barony of Surrey, once stood. In this receptacle, fitted by nature and art for dread consultation in retirement, the genius of English liberty held her awful assemblies in those times of public distress. There, as our forefathers have immemorably reported, the barons secretly met, and concerted the great plan of their country's deliverance, impervious to the eye of jealous tyranny; nor is the tradition without its probability to one who examines the nature of the place, and its commodious vicinity to London.

History of the
opposition to
John in parti-
cular.

The king of the Scots, about this time, complained of a castle which had, by John's orders, been built at Berwick. John, who was willing to find some plausible pretence for keeping up his army, then so necessary for his safety, not only disregarded the remonstrances of the Scot, to have this castle demolished, and matters between them adjusted; but most injuriously complained, that the king of Scotland had, without his consent, married his daughter to the earl of Bulloign; and that he had harboured in his kingdom certain English out-laws. Both princes, upon this, drew their armies to the field, in 1209.

A. D. 1209.
John's expe-
dition to Scot-
land.

But William, the king of Scotland, was now old, and neither his spirit nor his forces equal to those of John. A treaty, however, was set on foot at Northampton castle, where, according to the English historians, it was agreed, that William should pay down eleven thousand merks of silver to John, and deliver up into his hands his two daughters as hostages for his keeping the terms of the treaty. The treaty has been published by Mr. Rymer, and appears as I have stated it; [V. i. p. 155.] but there is no mention expressly of the covenants John entered into, though there is in general. A Scotch historian (Abercromby) after Buchanan, pretends, that John agreed to put a stop to the building the fort near Berwick; but, though he had seen, and actually quoted, the treaty, yet he impudently evades the fact, that the two Scottish princesses were put into John's hands: he only says, "that king William's two daughters were promised in marriage to king John's two sons, and with them a considerable sum of money, for which William gave hostages to king John."

His treaty
with that
king.

All this time John was not wanting to the duties of government, with regard to his concerns abroad. The truce with Philip king of France was now expired, and the French took Parthenay, and some other castles, which they demolished. The viscount of Towars and Savary de Maleon, however, still kept the field with an army, which acted for John; but they were encountered and put to flight by the French generals, the (1) earl of Salisbury, brother to the viscount, being taken, and several other noblemen, who were sent prisoners to Paris. We are in the dark as to the footing upon which the duke of Brittany stood at this time with John; but we know that the imprisoned princess Eleanor now took upon herself the title of duchess of Brittany, and countess of Richmond, and entered into a negotiation with John. She was then at Salisbury, and, in a personal conference, as appears by her letter still extant, obtained leave of her uncle for certain of her bishops and barons to repair to England, to treat about her deliverance. We accordingly find letters of safe conduct granted, by John, for their journey; but their negotiation appears to have been ineffectual. Embassadors from the Greek emperor and the king of Castile were likewise, about this time, at the Eng-

His foreign
measures.

Negotiation
about the
duchess of
Britanny.
Rymer, vol. i.
p. 149.

(1) I find this in the chronicle of Thomas Wykes for this year, printed inter script. Hist. Ang.

A. D. 1209.
Particulars of
the history of
England hap-
pening at this
time.

A. D. 1269.

lish court; and it is memorable that John, in his letters of safe conduct granted to the latter, inserts an express proviso, that the said ambassador, who was the king of Castile's chancellor, should not treat upon any other matter than that which was between him (John) and his master. One Wennuen, a Welsh nobleman, was then in prison in England, and his estates were seized and harassed by Lewellin prince of Wales; the former, giving hostages to John for his good behaviour, was now set at liberty; and the latter, upon marrying the natural daughter of John, was received into his grace and protection. The pope likewise, this year, wrote a very pressing letter to John, in behalf of Berengera, the queen dowager of England, from whom he had, ever since their last agreement, injuriously withheld her jointure. The reader will not, I hope, be displeased, that I have thus thrown together the several particulars of this period, which have been overlooked by, or were unknown to, all our English historians. I shall never think any part of our history immaterial to be inserted, provided I am well supported in facts, though perhaps unable, through the darkness of hints, or obscurity of papers, to give an exact detail either of the motives or events of such transactions: but what I have now related of this kind, serves in general to shew us, that John's great aim was to keep well with those powers and princes who might have given him disturbance in his ticklish situation between the pope and his own subjects.

Negotiations
between John
and the exiled
bishops,

I have already observed, that the opposition of John to the see of Rome would have been laudable, had its principles been virtuous. But it was not the insolent encroachments of the papacy upon the regale that John opposed so much, as a measure by which his own pride was piqued, and his power circumscribed. This appears from a negotiation entered into, by him, with the bishops of London, Ely, Worcester, and Hereford. Those prelates had, upon the interdict's being laid on, retired over to France, where they continued till they were called over to England, just before the late expedition into Scotland, by letters from the king and his justiciary, in order to mediate an accommodation between the court and the archbishop of Canterbury; or rather, between the courts of England and Rome. The bishops accordingly came over, and, at Canterbury, met with commissioners from the king. In a few days a form of agreement was formally drawn up, and sealed by both parties, importing, that the archbishop of Canterbury, and above four bishops, and all the clergy, should be restored to their fees and temporalities, and each of the above bishops to have one hundred pounds, by way of indemnification. But this writing being carried to John to be ratified, he objected to the full restitution of all he had taken; but the bishops being very peremptory in their demands, the negotiation broke off; and John, thinking that Langton himself would be more pliable, sent letters of

comes to no
effect.

safe conduct, with proper sureties, inviting him over to England. Langton accordingly came; and John met him as far as Chilham, from whence he sent commissioners to treat with him; but the negotiation broke off for the same causes as the former, and Langton returned to France. John attempted to have another interview with the prelates, and, for that purpose, deposited four thousand marks at London, to be paid to Langton; but to no purpose.

From this narrative, which I have abridged out of the annals of Waverley, it appears, that John was willing to have given up all his virtuous motives of opposition to the see of Rome, and to have admitted a metropolitan imposed by the insolence of the pope; but was unwilling to refund what (if the election was regular) was unjustly taken away.

Reflections
thereon.

But pope Innocent, who equalled the most haughty of his haughty predecessors in papal insolence, now made no secret that he was resolved to launch forth the bolt of ecclesiastical excommunication against the king's person and dignity. In this he was encouraged by the daily unpopular acts committed by John: for, upon his return from Scotland, he gave orders that all the hedges, which, through the indulgence of his predecessors, had been run through the forests by his subjects, should be plucked up, and the ditches levelled, that his deer might be at liberty to feed upon the corn and grass within the inclosures. He was guilty of another arbitrary, cruel act. A clergyman of Oxford, which university was then perhaps more eminent than any other in the world, happened, by chance-medley, to kill a woman; and, finding how strongly the spirit of the government was set against the clergy, he retired to avoid prosecution. The magistrates went to apprehend him at his lodging; but, not finding him, they seized three other clergymen, fellow-inmates in the same lodging. But the king being informed of the fact, in contempt of all law and justice, ordered the three innocent persons, who were still detained in prison, to be hanged.

John's arbitrary acts of
government.

Being sensible of the odium which those proceedings must draw upon his government, he sought to strengthen it by multiplying oaths of allegiance and homage. He, therefore, this year, required all his free tenants throughout England (even boys of twelve years of age) to take an oath of homage. He affected to put on a kind aspect to all who took this oath, and performed their fealty, dismissing them with a kiss of peace; but it being to be performed at a certain place from all parts of the kingdom, and even from Wales itself, it was looked upon as a fresh hardship.

He takes the
homage of his
subjects.

The intention of the pope to excommunicate the king was now known, though no man was found hardy enough to put the same in execution; for the pope, by the advice of his cardinals, having sent the sentence to be promulgated by the exiled bishops of London, Ely, and Worcester, those prelates

A. D. 1210. prelates thought they exposed their safety sufficiently, by sending over copies of it to the clergy of England, to be by them proclaimed every Sunday and holliday, through all the cathedrals, monasteries, and collegiate churches in England. This would indeed have sufficiently divulged the sentence; but John, intimidated by the consequences of his rigour, had, by this time, restored all those (who were a great number) that had consented to celebrate divine ceremonies in contempt of the interdict. These would not agree to join in the promulgation of the sentence, and such clergy as still held out were afraid of the civil power. Thus none were hardy enough to promulgate what the Romish bishop had so insolently pronounced. But the matter, though suppressed, was not stifled, so as that the public understood not sufficiently the nature of the mandate. It was whispered every where, and in all companies. Geoffrey archdeacon of Norwich was then a justiciary, or baron (for those words were at this time indiscriminately used) of the king's Exchequer, which was now translated from London to Northampton, through the hatred the king bore to the Londoners. This gentleman happening to take the opinion of his brother barons, with regard to the safety of beneficed persons acting by commission under a prince who was excommunicated, remained unresolved in his doubts, and privately withdrew from the functions of his post. This coming to John's ears, he was afraid of the consequence, should such a precedent be brought into use. He sent one William Talbot, a knight, in quest of the archdeacon, who seized him, and clapped him in irons, where having, by the king's order, a leaden cope put on his head, he was starved and pressed to death.

The archdeacon of Norwich put to death.

John sequesters the rents of the see of Lincoln.

About the same time the chancellor of England, Hugh de Wells, being chosen bishop of Lincoln, discovered how much he was dissatisfied with the power of the king and the clergy who adhered to him: for, under pretence of receiving consecration from the archbishop of Roan, he went over to France, and received it at the hands of Langton. But John, hearing of this, resented it so highly, that he gave the seal to Walter de Gray, and seized into his own hands all the temporalities of the bishopric of Lincoln.

Great oppression of the Jews.

Though the sentence of excommunication was not promulgated, yet it was virtually understood that it would daily happen. This served only to encrease the suspicions and severities of the king. This year the king held his Christmas at Windsor, and was attended by all the noblemen of the kingdom, their design not being yet ripe for execution. Soon after he laid on an intolerable tax upon the kingdom, on pretence of recovering Normandy; but, of all his subjects, none suffered equally with the Jews. As we have observed before, they held their properties but precariously; it was therefore no wonder, if, under a rapacious tyrant, they were subjected to the most infamous penalties to make them discover their wealth. Vari-

ous tortures were, for this purpose, applied to their bodies: but the love of money proved, with many, much stronger than the dread of torture. One Bristol-Jew in particular, by order of the king, had a tooth every day drawn out of his head, till he should pay ten thousand merks. He endured to have all drawn out but one, and then he paid the money. John having, by those means, and the pretences of recovering his patrimony, amassed a great sum, called together his army; but, instead of going over to France, he suddenly marched for Ireland. But the annals of Waverly inform us, that, before he went, he sent letters under his own hand, and under those of his principal nobility, inviting Langton to a conference at Dover. The archbishop, it seems, accepted of the invitation, upon the safe conduct given him, and the king came to Dover to meet him: but Langton understanding that none of the noblemen who had signed his safe conduct were there, he refused to come over. John, upon this, returned with great rage and indignation.

He landed in Ireland on the 8th of June, **1210**, and found his affairs there had run into great disorder. All Ireland was, at this time, infected with robberies; and the insolence of Lucy, the justiciary, had alienated the affections of the English themselves from his government. The native Irish made their advantages of all those circumstances, and had surprized and cut off three hundred of the citizens of Dublin, who had mostly been sent from Bristol to people that city. But John, being at the head of a greater army of English than ever before had landed on that island, soon quelled all commotions; and all the Lucy family, through consciousness of their own demerits, fled to France. The king of Connaught was the only Irish potentate that made any resistance to John upon this occasion; but that prince was soon defeated, and taken prisoner. Upwards of twenty petty princes of the island came then and made their submissions to the king of England. He then seized into his own hands the revenues of the Lucy estate, and marched into the province of Meath, where, he understood, William de Brause and his lady (the same who had returned so spirited an answer to John's messengers) resided. The lady, and her son William, fell into his hands; and, with unmanly resentment, he sent them, loaded with heavy irons, to England, where, by his orders, they were barbarously starved to death within the castle of Windsor: but the baron himself escaped to France. John then reduced a great many other forts of that kingdom.

John goes to Ireland.

His conduct there.

The military operations in Ireland being over, the civil took place. Henry II. had made a strong essay towards establishing a scheme of polity there, agreeable to that of England; but, through the little attention paid in the late and the beginning of this reign to the affairs of that kingdom, all had rushed into confusion. John ordered sterling money, according to the English standard, to be struck at Dublin: he issued a proclamation

He forms an establishment in Ireland upon that of England.

A.D. 1210. mation to make that money current in both kingdoms: he appointed sheriffs: he divided the nation into counties: he engrossed a fair copy of the English laws, which he deposited in the Exchequer at Dublin: he ordered the observation of English laws and customs; and erected, in Dublin, courts of law, upon the same footing; and tied down to the same proceedings, with those in England.

All those regulations being made, John had leisure to chastise the king of the Isles, whose name was Reginald. Though the history of this prince is scarcely ever mentioned by our writers, yet it is certain, that he had been highly instrumental in many occurrences which had happened for some time before in Ireland. He possessed the Isle of Man, with the Western Isles, now of Scotland; and, by the resort of Danish and other shipping, was no contemptible enemy. He had been assisting to Courcy, and had given great uneasiness to the government. But John now sent one of his noblemen, called, by the chronicles of the kings of Man, Fulco, or Fulk, perhaps Fulk Canteloup, with a squadron of ships to reduce him. This nobleman landed in Man, and for a fortnight destroyed the whole country; but Reginald submitted, and gave hostages to hold his crown of John. Accordingly we find, in the public acts, that he is designed "Reginald king of the Isles, and liege-man to John."

This expedition being finished, gave John some reputation with his neighbours; but the Lucy and Brause families had great dependencies in Wales, who were highly irritated at the treatment those two noblemen had met with. I do not find that this year they had recourse to arms; for John, hearing of their resentments, and fearing the smallest spark of rebellion which might have been kindled in his absence, and at such a juncture, speedily passed over from Ireland with his army to Wales. Meeting there with no opposition, he made what haste he could to London, where he renewed his impositions upon the clergy of all denominations, not sparing the knights-templars and hospitallers. The order of the white monks alone was obliged to pay forty thousand pounds in silver; and the money collected

upon this occasion amounted to upwards of a hundred thousand pounds. An incredible sum for those days!

The emperor Otho this year was excommunicated by the pope, for certain invasions of the papal possessions; but we do not find that John thought himself much interested in their differences. It appears that, about this time, some overtures for an accommodation had passed between him and the pope; for there is extant a letter from the pope to John, taking notice that the latter had intimated to him, that a truce had been concluded between him and the king of France; upon which the pope exhorts John to take upon him the cross, as he had promised. This correspondence between so haughty a pontiff and John, is, I think, pretty extraordinary; and I should have been inclined to have placed the time farther back, were it not dated in the fourteenth year of pope Innocent's pontificate, which answers to the year 1211. It appears that John had told him, he had concluded the truce that he might be more at leisure to attend this war; and his holiness thought it no inconsistency with his character to hold a correspondence even with the interdicted, where there was a prospect of profit.

In the year 1211, John summoned his nobility to attend him in an expedition to Wales. He ordered his army to rendezvous at Whitchurch in Shropshire, to which place he himself went; and, having mustered up a great body, he penetrated into Wales, as far as Snowden mountains; but the Welsh, either unable or unwilling to resist John, offered him hostages for their good behaviour and their future subjection; which John accepted of to the number of twenty-eight. John, having quieted that country, hurried back to England, that he might have an interview with Pandulph, the pope's legate, a man of sense and address, and well furnished with papal impudence to stare down the rights of lawful government in favour of his master. This legate was attended by one Durand, a knight-templar, and those two had undertaken to make peace between John and his clergy. The meeting was held at Northampton, and the discourse which passed between the king and the (1) legate is extremely

(1) The nuncios being brought into the presence, told the king, They had undertaken a long voyage at his request, and desired to know his highness's pleasure upon the premises.—The king answered, He did not know what their desire was.—They answered, That they should move him for nothing more than common right, that is, that his highness would swear to make satisfaction to Holy Church, to return all the effects he had forceably taken away from the ecclesiastics; and that Stephen archbishop of Canterbury, the other prelates beyond sea, and all their friends and dependents, might have the liberty to return, and live peaceably in England.—Upon this, the king, looking very sternly, told them, That he would discover himself wholly to them: You may oblige me, says he, to swear the returning whatever has been seized, and I'll satisfy you; but as for that Stephen, he can never be so secured by a safe conduct, but that I'll hang him as soon as he sets foot upon my dominions.—The nuncio, surprized at this declaration, put the king in mind that he moved for their coming over, referred the cause to their decision; and that, if it should appear to them that he had failed in any just regards to his holy father the pope, or done any wrong to the church, he was ready to stand to their award, to make reparation, and submit to any penance enjoined.—You say well, says the king; I grant his holiness is my spiritual father, that he succeeds to St. Peter's authority, and that I ought to obey him in spiritual matters; but that this submission should reach so far as to affect my temporal jurisdiction, and lessen my prerogative, I can by no means allow. The king proceeds to report how the monks of Canterbury above-mentioned had perjured themselves, and betrayed him; and that the pope had abetted their unaccountable practice. His highness urged farther, that his predecessors used to bestow archbishoprics, bishoprics, and abbeys, in their bed-chamber: for instance, king Edward the Confessor, of glorious memory, gave the bishopric of Worcester to Wolfstan; and that, when William the Conqueror attempted to deprive him of his fee, because he did not understand French, St. Wolfstan refused to return him the pastoral staff, because he had not received it from him; but carried it to king Edward's tomb, where it stuck so fast, that nobody could pull it away but that holy bishop. To this he added, that, within his own memory, his father, king Henry, had given the archbishopric of Canterbury to St. Thomas.—Pandulphus replied, That his distinction with respect to his holiness's authority was unsound, and that he had clogged it with too much limitation; that his highness ought to obey the pope in temporals as well as spirituals: for, says he, did not you swear obedience to the pope, and to maintain the rights of the church, at your coronation? As to the agreement between the king and the monks of

A. D. 1212. tremely instructive, as well as entertaining, since it gives us a lively picture of pontifical insolence, and a true state of the great controversy which then subsisted between the pope and the king. The legate, however, seems to have been well instructed in his lesson, and perfectly acquainted with John's character. Witness his behaviour, when John, to intimidate him, ordered an ecclesiastic to be put to death before his eyes: for the royal menace was so far from having any effect, as he expected, that Pandulph treated the king as a bully, and called for a candle to excommunicate any man who should dare to lay hands upon a churchman. This daunted the craven-hearted prince more than all his bravading had the priest. He quietly gave up the clerk into the hands of the legate; and though he disguised it for the time, yet the conference made an impression which stuck to him ever after, and brought him to all his shameful submissions.

John levies an
escuage.

John now levied an escuage for the absence of all the knights who had not attended him in his expedition to Wales. This amounted to two merks of silver for every knight's fee. This year the earl of Bulloign came to England, having been expelled, by the king of France, from his own estates. He was kindly entertained by John, and had three hundred pounds a year for his subsistence; he swearing, at the same time, homage and fealty to John. But Matthew Paris informs us, that the patience of the pope being quite exhausted by the ill success of his legate, "he absolved all John's subjects,

The pope ab-
solves the
English from
their allegi-
ance.

"high and low, from their fidelity to him; strictly enjoining all persons, of what degree soever, to avoid him in public and in private, at his table, in his council, and even in common conversation." The historian informs us of the names of those noblemen who were most strenuous in abetting John in his opposition to the Roman encroachments, some of whom, to their immortal honour, were afterwards as zealous in supporting the liberties and independency of the nation, against the king and the pope himself. These were William earl of Salisbury, who, by this time, had come over to England; Geoffrey Fitz-peter the justiciary; together with the bishops of Durham, Winchester and Norwich; Richard de Marisco, the chancellor; Hugh de Neville, head warden of the forests; William de Wrotham, warden of the Cinque-ports, (called, by our author, the sea-ports;) Robert Vieuxpont, with many others. This year died the active Geoffrey archbishop of York, natural brother to the king.

Names of
John's abet-
tors.

Death of the
archbishop of
York.

But the excommunication of the pope had very little effect with the neighbouring princes; for John was this year attended in his Christmas court, which he held at Clerkenwell, by Alexander, eldest son to the king of Scotland. His father William was now grown old, and unfit for the affairs of government; his subjects were factious, and he sent his son to the English court, as a mark of his confidence in John, and how willing he should be to have his assistance, in case of rebellion. The young prince was

Christ's church, and their breaking the articles of Rome, the nuncio set forth, that the pope had examined that matter to the bottom; that when his holiness had voided the two first elections, and commanded the proxies upon a third, the fourteen monks who had promised the king to chuse none but the bishop of Norwich, cast themselves at the pope's feet, and acquainted him with the tie upon their consciences. The pope chid them for taking an oath to a temporal prince, without leave from their spiritual superiors; telling them withal, they had sworn to do that which nobody living, excepting himself, had power to perform: and, after this reprimand, he absolved them from their oath, and enjoined them penance. Being thus at liberty, says the nuncio, they unanimously made choice of Langton, who was presented to your highness before his confirmation; but you were pleased to reject him, without any reason for your refusal. As for your instances from Edward the Confessor and William the Conqueror, I answer, continued the nuncio, that you are no successor to St. Edward, neither do you resemble his qualities; for he took Holy Church into his protection, whereas you do nothing but disturb it. Indeed, if we consider your arbitrary and oppressive administration, you may be said to succeed William the Bastard, as you call him; for both you and your Norman predecessors have made it their business to strip the church of her privileges. As for your highness's authority from the case of archbishop Becket, I answer, that your father, king Henry, only recommended him to the electors, and did by no means pretend to put him into the see by dint of prerogative; and, though the matter was thus gently carried, the archbishop after repented his accepting the king's interest, and resigned the archbishopric till the pope gave him a dispensation. After the martyrdom of this archbishop, your father, Henry, granted the monks a charter to chuse their metropolitan, exclusive of the bishops of the province.—The king replied, That charter was only binding during his father's life, and was not to be construed to the prejudice of his successors.—Pandulphus told the king, That he had sworn to maintain the church in all the privileges acknowledged or granted by his predecessors.—After some pause, the king made the nuncio a proposal, and offered, that, on condition Langton would resign his archbishopric, the pope might dispose of that preferment, and that he would accept of any person of his holiness's nomination; and that, possibly after that, he might, at the pope's request, bestow a bishopric on Langton.—'Tis not the custom of Holy Church, says Pandulphus, to degrade an archbishop without sufficient grounds; but when princes grow refractory and disobedient, 'tis her method to take them lower, and throw them out of their seat.—You threaten high, says the king; do you think to get me under your feet, as you have done my nephew Otho the emperor? for I am informed by him, you have lately chosen a new emperor.—That's true, replied Pandulphus; our lord the pope makes no difficulty of that matter, neither does he think your crown fits faster than another.—King. Have you any more to say?—Pandulphus. From this day we excommunicate all those that shall communicate with you.—King. Have you any thing else?—Pandulphus. We absolve all the clergy and laity of your dominions from their homage and obedience; and give me leave to acquaint you, that, two years since, your earls and barons requested the pope to discharge them from their subjection, and to give them the liberty to make war upon you. And further I must add, his holiness designs shortly to send an army into England, to maintain the rights of the church. Now, upon the arrival of these forces, we command you all to repair to the pope's standard, and submit to the orders of his general.—The penalty for disobedience runs high, and in general terms.—King. Have you any thing more to menace?—Pandulphus. Yes, we tell you, that in the name of God, that, from this day forward, neither you, nor any of your heirs, can wear the crown.—King. I was informed that you were my friends, and that you would be serviceable to me at the court of Rome; but now I find things quite otherwise: but, by —, had you come into my kingdom without being sent for, I should have disposed of you to a post you would not have liked, and made this your last mischief.—Pandulphus. We understand the language of your oath, and you might as decently have sworn you would hang us; but we call God to witness, we came into your dominions upon no other prospect than to suffer martyrdom for the church, neither do we expect any better usage from you.—Upon this, the king ordered the sheriffs and other officers to bring forth the prisoners; some of these the king ordered to be hanged, some to have their eyes pulled out, and some had their feet and hands cut off. The king imagined the sight of these executions might strike a terror into Pandulphus, and work him to his purpose. Among the rest of the malefactors, there was a clergyman convicted of forgery. This man the king ordered to be hanged. When Pandulphus heard the sentence, he resolved to excommunicate those that should offer to lay hands on him, and went out of the presence to get a candle. The king, perceiving him thus resolute, followed him, put the criminal into the nuncio's hands, and referred him to his justice; and by this means the prisoner was discharged. Collier.

A. D. 1212.
John knights
the prince of
Scotland.

highly careſſed by John, who ſolemnly knighted him, and ſent him back with great honour, and greater promiſes. But the Welch were not equally ſatisfied with John's government: for our hiſtorians acquaint us, that Llewyllen prince of Wales had, laſt year, made his ſubmiſſions to John; but it appears that he received freſh provocations for taking up arms this year. The gariſons John had left upon the borders of Wales were guilty of great enormities, and ſuch as provoked Llewyllen to invite the chief noblemen of Wales into a confederacy againſt the Engliſh at this time. Having found all of them very ready to ſhake off the Engliſh yoke, he raiſed a pretty numerous army, and took all the places of ſtrength in South Wales and Powis (Dignaway and Rutland excepted) and then laid ſiege to the caſtle of Mathreval, which had been lately built by Robert de Viepont. John, hearing of their progreſs, immediately drew together his army. He advanced to relieve the caſtle, which he did, and was preparing to march into the heart of Wales with fire and ſword, determining to root out the inhabitants, and deſtroy the country. As a prelude to this barbarity, he inhumanly put to death the twenty-eight hoſtages which had been given him. But he received letters, while he was upon his march, from William king of Scotland, intimating, that there was a conſpiracy formed againſt his crown and life. He, at the ſame time, received other letters from his natural daughter, wife to Llewyllen, to the ſame purpoſe. But ſo much was he bent upon his purpoſe, that he looked upon the whole as an idle contrivance to put a ſtop to his expedition. He therefore came to Cheſter, intending to purſue his march; but there he received other and more circumſtantial accounts of the ſame conſpiracy, from undoubted authority. Upon this he inſtantly returned to London. As to the particulars of this conſpiracy, we are in the dark; only we learn, in general, that it was formed by the noblemen of England, with a view of either killing the king, or delivering him up to his enemies. This would make it very ſuſpicious, were we not informed that John, upon his return to London, diſbanded his army; by which we may preſume, that he durſt not truſt to an army of his military tenants: for his mercenaries and houſhold troops continued ſtill on foot. He next demanded hoſtages from all his nobility, reflecting, ſay our authors, that the pope had abſolved them from their allegiance. Many, who lay immediately expoſed to his power, complied; but Euface de Veſci and Robert Fitz-walter, two barons of great power and credit, being accuſed of high-treaſon, thought fit to retire from the ſtorm, the one to Scotland, and the other to France.

Whatever was the intention, or whoever were the authors of the late conſpiracy, it certainly had a ſurprizing effect upon the behaviour of John. He ſaw that the general diſaffection had taken too deep and too general a hold in the hearts of his ſubjects, for him to think of rooting it up. His perſonal and

his political vices had equally contributed to the evil. He now thought of reforming his conduct. He diſcovered a great readiness to redreſs the grievances of the needy and the helpleſs: he iſſued proclamations for the mitigation of the foreſt laws, which, of all others, were the moſt unpopular with the Engliſh; he reſtricted the oppreſſions of his wardens of foreſts to the dues that had been paid them during the reign of his father; he eaſed the duties which had been laid upon commerce, all of them acts of arbitrary government; he opened the ſea-ports, he invited commerce to its wonted channels; and, in ſhort, he remitted many unjuſt fines, which had been laid upon his ſubjects by the miniſters of his rapaciouſneſs and oppreſſion.

But errors in government ſtick long with a people. Seldom are they convinced that reformation proceeds from any other motive than impotence to do farther miſchief, or with a view of betraying under that appearance. This may be a ſalutary, but is often a fatal, jealousy. The people never could be brought thoroughly to truſt John, though their averſion to him was ſomewhat blunted; and the nobility, thinking they had experienced the worſt, entered into dangerous connections with the king of France. The exiled biſhops ſeem to have been the agents who managed the correſpondence; for we find them, about this time, undertaking a journey to Rome. Being arrived there, they laid the ſtate of England before the pope, and, doubtleſs, gave him their advice in what manner to proceed. The pope, after due deliberation, then pronounced againſt John the ſentence of deprivation of his kingdom; but without, ſo far as I can find, naming any perſon to ſucceed him, only in general terms, that it was done to make room for one more worthy. But, that there might not be wanting one to embrace the offer, if opportunity ſhould preſent, a letter was wrote, by his holineſs, to the king of France, exhorting him to make war upon John, and, for his encouragement, promiſing him the kingdom of England as his reward. He likewiſe wrote to many other princes of Europe, exhorting them to join in arms with Philip, and proclaiming to them the ſame advantages as if they were to take upon them the croſs in a holy war.

But the artful pontiff, probably, was by this time too well acquainted with the temper and ſpirit of John, not to foreſee that the holy ſee would reap much greater advantages by trying lenitives once more, than by pushing him into abſolute deſpair. For this purpoſe, he gave, in open conſistory, a commiſſion to Pandulph and the exiled biſhops to repair to England, and there to fulminate in perſon his ſpiritual cenſures. But, when the aſſembly was broken up, the legate aſked him in private, for inſtructions how to behave, in caſe John ſhould repent, and deſire to make ample ſatisfaction. The pope, in anſwer to this, put into Pandulph's hand certain articles, as the terms of John's reconciliation.

Thus armed with the power of making a dangerous

A. D. 1212.
He reforms
his conduct
and govern-
ment.

The nobility
enters into a
concert with
the king of
France,

who is exhort-
ed by the
pope to de-
throned John,

The pope's
artful manage-
ment.

His inhumani-
ty to the
Welſh hoſta-
ges.
He has in-
formation of
a conſpiracy
againſt him.

A. D. 1213. dangerous war, or more dangerous peace, the legate took leave of the court of Rome, and repaired, with the exiled English bishops, to that of France. Philip was too watchful of his own interests, not to attend a crisis which bade so fair to more than crown all his ambition. A modern reader is apt to be startled, he is apt to be shocked, at the mention of English nobility inviting a French king to be their deliverer. But we are to reflect, that those nobility were under the iron rod of a tyrant, which they had experienced so severely, that they thought their condition could not be altered but for the better. Besides, little more than one hundred and forty years had intervened since their ancestors had conquered England under the duke of Normandy, whose posterity they thought were obliged to maintain them in their rights. Another struggle might recover them; whereas, in their then situation, they were in danger of irrecoverably losing them. From those principles, which never can suggest themselves to the subject of a free English government, as he never can make the case his own, it is possible, that the English nobility in those days had not the same abhorrence to the name of conquest, which every virtuous Englishman has had since. Besides, we are at a loss to know what previous terms they had stipulated with the king of France. That some were stipulated is, I think, more than probable, since we are told by our historians, that they had signed and sealed a charter of combination, by which they engaged themselves to stand by the king of France whenever he should land.

Reflections on the state of the English nobility in those days.

This step would have been detestable, had not the king's tyranny absolved them, more than the pope's censure did, from their allegiance. For, notwithstanding his late reformation, which was chiefly in favour of the middling rank of people, he now grew so exceedingly jealous, that he never went abroad but in complete armour, and with a strong guard. He used all means to entrap the persons, he put in practice all arts to seize the possessions, of his nobility; their families were no more secured from his lusts, than their properties were from his avarice. Thus, in some measure, a total dissolution of the original compact between their king and them was effected; and, if what our historians have delivered is true, no means they could invent for their deliverance were unlawful.

John's great jealousy.

The Christmas court of John, for the year 1212, was kept at Westminster; but very thinly attended by his noblemen, who had now, from aversion to his person, or for safety to their own, almost universally deserted him. It was early in the spring of the year 1213, when the exiled bishops of England returned from Rome to France. They there found Philip busied in preparations for his expedition into England. He had, upon the receipt of the pope's letter, called together an assembly of his states at Soissons; and the meeting was more full than usual, in expectation of the great business to be proposed in it. Philip forgot to lay before

them no motive that could engage his noblemen vigorously to support him in the invasion he meditated; he promised all of them a share of the conquest, in proportion to that which they bore in the danger and expence. All of them discovered an ardour equal to that of the king, in embracing the proposal. Ferdinand earl of Flanders alone opposed him, or rather was cold in the matter; giving Philip to understand, that he thought he had not done him justice in certain towns to which he apprehended he had a right. Philip, for the time, disguised his resentment; but watched the earl so well, that he could not openly declare against him. This opposition, however, of the earl of Flanders was so seasonable, that, I am apt to believe, it retarded the expedition of Philip more than all the interposition of the pope, to which our historians have generally attributed this delay. Whether there was a secret understanding between the earl and the legate, appears not; though it is probable there was. One thing is certain, that, notwithstanding all Philip's penetration, he was strangely bubbled, and lost the only fair opportunity of rendering his expedition successful. The earl of Bulloign, the friend and ally of the earl of Flanders, had won the latter over entirely to the interests of John.

A. D. 1113. Philip's propositions to, and encouragement from, his states.

When Pandulph arrived in France, he was so far from discovering any secret intentions he had to renew a negotiation for reconciling John to his master, that he affected to hasten all the preparations for the invasion. This served two purposes; as a blind to Philip, and as a proper precaution that every thing might be in readiness in case his negotiation should prove unsuccessful. But, in the mean time, he privately dispatched over to England two knights-templars, with a commission to sound John, and to know whether his coming over to England with certain proposals would be agreeable to him. The knights performed their business to admiration; and the legate, under pretence that his commission obliged him to be an eye-witness of the miseries suffered by the English church, before hostilities should commence, engaged Philip not to put to sea till his return, and so set out for England. Philip, without suspicion, agreed to his departure; and having now got together no less than seventeen hundred vessels at the mouth of the Seine, and a great army which lay near Bulloign ready to embark, he patiently waited for the legate's return, looking on his journey to be only matter of form.

Pandulph's conduct in France.

While those transactions were passing upon the continent, the English were in the utmost perplexity how to behave. Trusting for support to a foreign power, they had formed a scheme of not taking the field till Philip should land. John, perhaps, was by this time apprized of the nature of their engagements. This gave him great advantages, but, at the same time, greater disquiets. We are informed by Trivet, an author of no mean, or rather great, credit, and of accuracy more than common, that, besides Fitzwalter and Vescei, one Stephen Riddel was forced

Difficulties of the English.

P. 156, Ed. per Hall.

A. D. 1213. to leave the kingdom, and that Geoffrey of Norwich was shut up prisoner in Nottingham; the three last, says the same author, were looked upon as the captains of the faction. John, as we have already hinted, was particularly averse to, and jealous of, the city of London. Fitz-walter, who appears to have had great weight with the nation, had then a noble castle in London, situated above the tower, upon the Thames, called Castle-Baynard, the spot on which it stood still retaining that name. This castle was demolished by John's express commands; but finding that the disaffection was too generally spread to be now removed, and that he could not trust to the English, he applied to foreign princes, particularly to the friends and relations of the earls of Flanders and Bulloign, who were all of them unwilling to contribute towards aggrandizing the power of France. We accordingly find, though

Castle-Baynard demolished.
John enters into engagements with foreign princes.

Rymer, vol. i. p. 159 et seq.

Ibid.

Ibid.

Ibid.

expressed by none of our historians, that he entered into engagements with the duke of Limburg, who paid him homage for certain fees now restored him, and whom he most earnestly requests forthwith to repair to England; as he does the duke's son, with nine knights, besides himself, well appointed, and well equipped. He likewise enters into the same engagements, and upon the same terms; with the earl of Barr and his son, and in like manner invites them over to England. By other letters, which have no date, but which appear to have been written at the same time, John presses the duke and the seneschal of Louvain to come over, with all the troops they could raise, to England. Hubert de Burgh, the seneschal of Poictou, and Philip d'Abiny, were appointed by John as his commissioners for regulating the pay and march of those troops; and there is no reason for doubting, that a great many foreign mercenaries were, upon this occasion, taken into the pay of England. These are important facts, to let us into the reason of that amazing stand which John made upon this occasion: for, besides all those princes, we find, of a later date, viz. the 29th of March, 1213, a convention entered into between John and William earl of Holland, by which the latter is obliged to assist him with all his forces, in case his kingdom of England should be attacked by foreigners, upon the requisition of John, or the appearance of such invasion. He likewise engages, if, at any time, John shall require it, to furnish him with one thousand, or more, esquires (servientes) for whose fidelity he renders himself accountable; but they were to serve and be brought over upon John's expence; and for all this, John was to pay him four hundred merks a year.

But, besides all those foreign aids, no mean was neglected, by John, for strengthening himself by the natural defence of the kingdom. I have already taken notice of the great increase of commerce during the

reign of Richard; this was naturally attended by an increase of shipping: John knew of what importance it was for him to be master of the seas. A writ was directed to the bailiffs of the sea-ports, for preparing ships to serve against the common enemy. As in the famous dispute about ship-money, and in many other parts of this history, we shall have occasion to refer to the more early methods of arming the nation by sea, I shall give the reader a translation of this writ, which was directed to the bailiffs of the sea-ports. I find the same in none of our historians, either ancient or modern; that in Matthew Paris (which he, by mistake, says was directed to the bailiffs) being evidently directed to the wardens of the Cinque-ports, or to the sheriffs of the counties. The writ, therefore, directed to the bailiffs of Essex, is as follows:

The king to the bailiffs of the sea-ports in the county of Essex, &c.

" We command you, that, as you love us and our honour, you will cause to repair to Portsmouth all the ships of your bailiwick, which can carry eight or more horses; so that, all excuses or delays being laid aside, they may be there on the day after the feast of St. Hilary next, in case they cannot come sooner, ready and prepared for our service: and, if any of the said ships should be laden, let it be instantly unladen, that it may come there, together with the others, at the appointed place and day, because we shall order their livery to be paid them, from the day on which they sail from their own port, to the foresaid place, unless, by their own laziness, they spin out the time.
" You are likewise to provide the said ships in bridges and irons in the best manner you can, and, when they arrive at the said port, we will pay to them the money laid out for that service.
" As for your parts, you are to be at Portsmouth by the said day, that you may report to us the number of the said ships, both of the ships that come, and of those that do not; and this you are to do, together with the sheriff of Essex, to whom we have issued the same orders."

John's writ to the bailiffs of the sea-ports.

[Decarketur.]

A writ of pretty much the same nature was directed to all the sheriffs of England, ordering them to summon to Dover, by the following Easter, all men in the kingdom who bore arms, or ought to bear them; and that they should repair thither, under the pain of incurring the penalty of culbertage, or rather culvertage. This was a Norman, as well as an English, term, and, I am apt to believe, signified the penalty annexed to the desertion in the field, which was the same as in case of recreancy (1): it

and that to the sheriffs for arming the navy.

(1) Sir Henry Spelman, in his Glossary ad verb. nidering, or niderling, gives us a whimsical etymology for this word: he says, that as, perhaps, the word nitherling may stand for nid linge, which is Anglo-Normannic, nid a nest, and ling a bird; so culbertage may come from columba a dove, to express the timidity of cowards by that emblem. If I am not mistaken, the word cowardice is only an abbreviation of colberdice. Dr. Watts, in his Glossary, in his ed. of Matthew Paris, very justly questions Sir Henry's etymology.

A. D. 1213. therefore implied disgrace and loss at once. Philip, in his military summonses upon this occasion, makes use of the same term, and we are told it was extremely dreaded by both people. I have, in the reign of Henry II, given the reader an account of the regulations, with regard to arms, which were made by that prince. It was in consequence of that regulation that this extra-feodal summons (for so it certainly was) was issued. John knew too well the little reason he had to trust to his nobility, for him to think of depending upon the feudal assistance. He knew likewise that, in a state, as that of England, where the principles both of government and property were aristocratical, many of the common people, who are the bulk of the nation, feel most immediately the hands of their lords, and are apt, as was the case with his father, to join any power which they imagine will ease them of some part of their burden. This observation I have partly made before; it was verified upon this occasion: for, upon the summonses being issued, so vast a multitude of people, of all kinds, flocked down towards the coasts of Kent and Suffex, where they expected the enemy would land, that the country was unable to maintain them, so that the king's officers sent many back, and retained only those who were best armed. The rendezvous was upon Barham-downs, and, when a general muster was made, no less than sixty thousand well-appointed men appeared in arms; a greater and a finer army than, I believe, any king of England ever commanded of English subjects.

See. p. 555
and 556.

Great numbers assemble
to guard the
kingdom.

Considerations
on the then
junction of
affairs.

But, lest the reader should be surprized (after all I have said of the detestation which John was held in by his subjects) at this prodigious number, two or three considerations ought to take place, besides that great one I have just now hinted. The legate of the pope had, by this time, come to England, which naturally suggested to the common people that the differences between the king and the see of Rome were in a fair way of being made up. Nay, this consideration must have had great weight with the nobility themselves, as they depended on the king of France, who depended upon the pope. The nobility therefore, at best, were now divided; those who were unwilling to carry things to extremity, hoping that, by the assistance of the pope, they should be restored to their rights; and those who still continued determined in the most vigorous opposition. Of those, the former might repair to the field to avoid suspicion; and the latter, that they might be the more ready to abandon John, and join with his enemies, upon the first occasion. That the bulk of the English in John's army were composed of this last sort, is to be presumed from an expression which has fallen from Paris, who says, "That no king in the world could, at this time, have withstood the king of England, had all his army been of one heart and mind." Add to all I have said, the great number of foreigners who served John on this occasion.

But John found himself still more powerful by sea than he was by land, having a fleet, if we may believe the historians of the times, of no less than five hundred ships. But he thought that this army would prove like a broken reed in his hand, should he trust to it before he was reconciled to the see of Rome. Pandulph, who met John at Dover, plied him with every motive that could soothe or intimidate him into compliance. He represented to him the great forces with which Philip was ready to invade his kingdom; he shewed him that, besides the troops he had already on foot, he expected farther supplies from all the princes in Christendom, who looked upon John to be an avowed, excommunicated rebel to the see of Rome, and his crown as forfeited by the pope's sentence: but he added farther, that Philip publicly declared he had an invitation from the principal nobility of England, who had promised to join him upon his landing.

These reasons staggered John; and, at last, he determined to agree with what the legate proposed, for the following reasons, which I shall transcribe from my author. First, because he had now remained under the interdict for five years, and therefore was afraid of his soul. Secondly, because he was afraid of the king of France and his great army. Thirdly, because he was under strong apprehensions that when he should come to fight, he would be abandoned by most of his English nobles and their following. But the fourth cause was a pretty extraordinary one: A Yorkshire enthusiast, one Peter of Pomfret, had been very busy in preaching to the people, and, among other things, had predicted, that, by Ascension-day following, John should not be king, but that another should have his crown. He offered to suffer death if this was not found to be truth, and had actually surrendered himself to prison, to abide his doom, should it prove false. The predicted day now approaching, and the time being pregnant with so many dangers, the weak mind of John was affected by this prediction, says my author, more than by any other consideration. At last, he agreed to the shameful terms which had been prescribed to Pandulph before he left Rome. The danger was imminent, therefore there was not time then to go through all the necessary forms of confirmation required: but he swore upon the holy gospel, that he would obey the judgment of the church; and sixteen of his chief nobility were, according to the usages of those times, his fide jussors, who swore, that if he should happen to depart from what he had sworn, that they would compel him to make the pope satisfaction.

The 13th of May following, which was the Monday before Ascension-day, was appointed for the king's ratifying the peace, which had been yet only verbally agreed upon, between him and the pope. Accordingly he and the legate met together at Dover, in presence of a vast number of noblemen and others. The terms of the peace were fairly engrossed, by way of charter, to which

A. D. 1213.
John's great
sea-force.

John agrees
with the le-
gate.

His reasons
for the same.

John ratifies
the articles.

A.D. 1213. four great barons (viz. William earl of Salisbury, Reginald earl of Bulloign, William earl of Warren, and William earl of Ferrers) were *fide jussiores*. The charter itself may be found in Mr. Rymer's collections, and in Matthew Paris; the substance of it is as follows:

The terms
of the peace.
Tyrrel.

First, They swore to stand to the command of the pope, to be imparted by his legate or nuncio, concerning all matters for which the king stood excommunicated.

Secondly, That he would grant true peace and safety to Stephen archbishop of Canterbury, as also to the bishops of London, Ely, Hereford, Bath, and Lincoln; together with the prior and monks of Canterbury, and to Robert Fitz-walter and Eustace de Vesce, and to all other clerks and laics concerned in this affair: swearing farther, That he would do them no hurt, either in their persons or estates; but, remitting all anger and ill-will towards them, would fully receive them into his favour.

Thirdly, That he would issue out letters-patents, by which he would confirm all these things; and cause as many bishops and barons, as the archbishop and bishops should chuse, to swear, and give their charters, for the security of the peace.

Fourthly, That if he, or any other by his order, should violate this agreement, then those bishops and barons, on behalf of the church, should adhere to the pope's commands against him; and that, in such case, he would for ever lose the custody of vacant churches.

Fifthly, He obliged himself to send letters of safe conduct, and security for the performance of these things, to the archbishop and bishops, before their return into England; who were also, if the king pleased, to take an oath, That they would not, either by themselves or any other, attempt any thing against his person or crown.

Sixthly, He also promised restitution and sufficient satisfaction for what they, whether clerks or laics, had been endamaged, either in their goods or liberties.

Seventhly, That he would cause all clerks and laics, who had been kept in prison on account of this quarrel, to be released; and that, presently after the legate's arrival, who could absolve the king, he would pay them, in part of restitution, what had been taken away from the archbishop, bishops and monks, the sum of eight thousand pounds sterling; which was to be divided between them, according to the several rates and proportions therein expressed.

Lastly, He was forced to renounce and recall, for the future, the out-lawry of all clergymen, as not at all belonging to his jurisdiction; as also the out-lawry of laymen, as far as related to this matter.

By those articles, which were the groundwork of this negotiation, it appears, that the people were deceived if they imagined that the pope had any other aim in the part he acted, than the aggrandizing himself. But

the legate, wisely for his master's interest, refused to open all at once to John, the bitter cup of abjection he had yet to drain to the lees. By the late articles, some advantages are indeed stipulated to particular persons, whom merits or sufferings had rendered popular; but no great constitutional point was gained for preventing the king, if backed by the pope, as he doubtless would be, from renewing, even for the worse, all his arbitrary oppressions. This left both the people and the prince at the mercy of the court of Rome. Accordingly Pandolph took advantage of this situation to press John to the absolute surrender of his crown to the pope, in his person. It was in vain for him to resist. The 15th of May was appointed for the performance of the ceremony, in the house of the knights-templars at Dover. The pretext of this resignation I find to have been grounded upon the old claim of the popes from Offa, and the other Saxon princes; but how groundless that claim was, we have already seen. There is, however, no mention made of this in the charter of subjection made by John upon this occasion: it only mentions, that he had voluntarily, and without compulsion, made the surrender of his crown and kingdoms to the pope, in testimony of his deep contrition for his repeated offences against the Holy Church; and binding his lawful heirs to hold the same of the see of Rome, and to do it homage. As a mark of his perpetual subjection, he likewise promises to pay yearly one thousand marks to the pope, viz. seven hundred for the kingdom of England, and three hundred for that of Ireland; but saving to himself, and his heirs, his justices, that is, his executive power of government, his liberties and royalties. It ends with a declaration, that if any of his heirs should presume to dispute the same, he should forfeit his right to the kingdom, and be deposed. He then took the following oath of homage:

A.D. 1213.

Farther demands of the legate.

John's absolute surrender of his crown.

Paris.

John's concessions.

John's oath of homage.

" I John, by the grace of God, king of England, and lord of Ireland, from this hour forthwith shall be the faithful servant of God, St. Peter, the church of Rome, and my sovereign lord the pope Innocent, and his Catholic successors. I shall not be accessory, in deed, in word, consent, or counsel, to their losing their lives or limbs, or to their being treacherously imprisoned, and deprived of their liberty. Their loss, if I know it, I will hinder, and prevent it if I can; otherwise I will acquaint them of the same as soon as I can, or tell it to such person as I believe will certainly inform them of it. The counsel which they shall impart to me, either by themselves, their ambassadors, or letters, I will keep secret; neither will I divulge the same wittingly to any one, to their loss. I will be assisting in maintaining and defending the patrimony of St. Peter, and especially the kingdom of England and that of Ireland, against all mankind, and to the best of my power. So help me God, and these holy gospels. Amen."

This

Views of the
pope in this
negotiation.

A. D. 1213.

This oath is the same with that which was taken by vassals to the lords of their fees. It is not my intention here to exhibit transcripts or translations of all the other shameful acts of servility and submission to which this inglorious prince stooped. What I have already mentioned must give the reader a detestation of his conduct, which nothing could heighten but what followed: for John, as an earnest of his future subjection, having offered Pandulph some money, the imperious priest trampled it under his foot; the archbishop of Dublin, according to Matthew Paris, grieving and exclaiming against such insolence.

John's cruelty to a prophet.

But an incident happened upon this occasion, which is a plain proof of John's insensibility. I have mentioned Peter of Pomfret, who had prophesied, that, by Ascension-day, John should be no longer king. This man continued all this time in prison, to satisfy the rigour of the law, should that day pass without his prediction being fulfilled. The day being now past, the prophet, and his son, whom we find to have had no share in his father's conduct, were both of them dragged out of prison, and hanged, for impostors, at Warham; though the reader must admit, that the prediction was fulfilled to a melancholy degree of exactness.

Pandulph's insolence to John.

All the necessary instruments of submission being now executed on the part of John, Pandulph treated him as a beaten slave. Every step of his subjection was a farther alienation of his subjects' affections, and none beheld his meanness with more indignation than the clergy themselves. I have, in former parts of this work, sufficiently explained their double capacity, as bishops and barons; but Pandulph seems to have had little regard to any opposition which could come from them. It was, he thought, sufficient for his purposes that the king held his crown from the see of Rome; nor did he imagine that the creatures of that see (for so he considered the clergy to be) would ever oppose their sovereign the pope. In this, his politics seem to have been defective: but he obtained his ends better in other respects; for the nobility, even the most attached to John's person and title, could not with patience bear the thoughts of his late inglorious resignation. Their falling off, as they visibly did every day, answered the views of the legate, as it put John under a necessity of connecting himself the more closely with the pope, on whom alone he now depended.

and contempt of the English clergy.

Pandulph's difficulty with regard to France.

But a more delicate point was now to be managed by Pandulph, than any he had yet undertaken. We left the king of France in high expectations of his success in England, and lying at Bulloign with a great army, in order to invade this kingdom. I am inclined to believe, that as all communication between France and England were then stopped, and that as John had laid an embargo upon all shipping in his dominions, Philip remained quite in the dark as to John's submissions to, and reconciliation with, the pope. But Pandulph, having got his ends without taking off either the interdict or the

excommunication, passed over immediately into France with all the deeds which had been executed, and formally required Philip to discontinue his preparations against a prince now reconciled to the see of Rome, and immediately under the protection of his holiness. This request, or rather order, could not but highly surprize and provoke Philip: he treated Pandulph as a juggler, and spoke of the pope in very disrespectful terms: he told him, that the preparations he had already made had cost him upwards of sixty thousand pounds; that he had made them at the express request of the pope, and upon the most holy motives; and, at last, flatly refused to discontinue his enterprize. Philip would not, perhaps, have talked in a strain so high, had he not known that he would be supported by the noblemen and princes who had embarked their fortunes upon the success of the expedition. But the earl of Flanders continued to be an invincible obstacle to his design. To have attacked England, and have left so powerful an enemy at the doors of his own dominions, would have been madness; for (besides the earl of Flanders) the earls of Tholouse and Auvergne had, by this time, declared for John, who remitted them money, and gave them repeated assurances of his being ready to support them with all his force. Philip, therefore, resolved instantly to fall into the dominions of the earl of Flanders, that he might disable him from hurting him in his absence; but he first sent him a summons to repair to his court at Gravelines. The earl, neglecting to comply with this summons, gave Philip a plausible pretext for attacking his dominions: he swore, by the saints of France, "that France should either be Flanders, or Flanders France." He had before this, while he was waiting the result of Pandulph's stay in England, ordered all his ships to leave the mouth of the Seine, and to rendezvous at Bulloign, where his troops were to go on board; but he now suddenly fell into Flanders, where he attacked and took Cassel, Ipres, and many places in the neighbourhood, and, at last, Bruges itself; his fleet, all the time, covering and supplying his army with necessaries. Being resolved to form the siege of Ghent, he ordered part of his ships to enter the harbour of Damm, which lies about two leagues from Brussels; while the rest rode off at sea, before the mouth of the harbour. The earl of Flanders, being thus distressed, dispatched two of his counsellors to John for succours, who found him, after the departure of Pandulph, on a progress in the north, and met him at Durham. John immediately, upon this news, hastened up to London, and gave orders for the equipment of a strong squadron, under the command of the earl of Salisbury. He likewise wrote letters to the earl and the countess of Flanders, and to the earl of Bulloign, who appear to have been out of England at this time, encouraging them to hold out till his fleet, under the earl of Salisbury, could relieve them. It appears that John, at this time, had still a great

A. D. 1213. He orders Philip to lay aside his preparations against England.

Rymer, vol. i. p. 175.

Philip attacks the dominions of the earl of Flanders.

He besieges Ghent.

[Rymer, vol. i. p. 176.]

A. D. 1213. great number of forces on foot, of those who had lately encamped on Barham-downs. Among others, mention is made of the bishop of Norwich, who had been by the king appointed governor of Ireland, and who, on this occasion, landed in England with a supply of five hundred foot; and a good body of horse. A prodigious number of vessels had been seized by the late embargo; so that there was little difficulty in manning and fitting out a fleet superior to that of France. Whether the earl of Bulloign had, by this time, returned to England, does not appear; it is probable he had, since we find him, in conjunction with the earls of Salisbury and Holland, declared an admiral of England. The fleet consisted of no fewer than five hundred vessels, and on board it were seven hundred knights, with a great number of land forces. Philip was, at this time, pushing the siege of Ghent; his fleet was in the disposition he had ordered; but the crews and soldiers on board had, at this juncture, gone on shore for plunder, and left their fleet guarded only by a few marines. The English were, at first, startled at the number of the French ships, which were by this time greatly increased; but, upon sending out proper vessels for examining their state, they soon came to a resolution of giving them battle. The resistance of the French was but very feeble; above three hundred vessels, great and small, were taken, laden with all manner of provisions; and upwards of one hundred vessels, which were within the harbour hauled upon the beach, were burned. So total, and so unexpected, a defeat, disconcerted all the towering views of Philip. Had the English confined their operations to their own element, the sea, this expedition would have terminated greatly to the reputation of the nation; but, says Paris, the admirals, stimulated with supererogatory valour, landed their horses and troops, with an intention to pursue the flying French. But Philip, now informed of his misfortune, had hastily raised the siege of Ghent, and advanced with part of his army to drive the English back to their ships. He surprised them on shore, intoxicated with their late victory, and expecting every minute to be masters of the remaining French vessels, which lay blocked up by their fleet within the harbour. But Philip made so good use of his advantages, that two thousand of the English were killed upon the spot, and a great many prisoners were made; among whom was the earl of Bulloign, who, by the favour of his captors, was suffered to escape. But this success was but inconsiderable to compensate so great a ruin of all his naval glory. For the English, after their late defeat, taking caution from misfortune, continued their blockade at the mouth of the harbour; and Philip, after unrigging his ships, found himself, at last, constrained to set them on fire. The French historians pretend that Philip, after this, got several advantages in Flanders; but it is more reasonable to say, after Matthew Paris, that he was obliged to retire in great confusion, and after much loss in men,

John's supplies from Ireland.

His fleet totally ruined.

But he beats the English by land.

shipping, and money. Thus, by the craft of an Italian priest, ended this memorable year, to the eternal stain of John's memory, and the inexpressible loss of Philip; whose preparations threatened invasion; perhaps conquest, more calamitous than any England had ever yet experienced; since those chains which the sword was to impose; the church was to rivet.

I am far from being satisfied that the English had the greatest share in the late defeat of the French; I have given my readers reasons why we ought to believe that John had, at this time, a great army of foreign mercenaries in his pay. These perhaps, with his own household troops, by which I mean his demesne tenants, composed the army on board his fleet. But however this may be, it is certain, that very different from his were the sentiments of the English nobility on the success of his arms. They considered it as the prelude of a triumph over themselves; and saw the growing connections between John and the foreigners with the deepest concern. John, on the other hand, encouraged by the events of the last campaign, now meditated to restore the balance of power on the continent, and to recover his French dominions. With this view, he formed a new alliance with the emperor Otho and the earl of Flanders, who were to attack France on different sides, while he was to march into Poitou with a great army. This was a scheme neither improbable nor impracticable, and therefore the English noblemen justly dreaded its success.

John, being now no longer under any apprehensions of an invasion, ordered his noblemen and their followers, who appear all this time to have been in arms, and cantoned along the sea-coasts, to go into quarters. He then sent a large supply of money to his fleet, which was still at sea, encouraging the seamen to invade France with fire and sword, promising them a powerful support from the emperor. But scarcely had his army reached their quarters, till, upon a fresh-formed project, he summoned it anew to rendezvous at Portsmouth, intending to fall into Poitou, and from thence to attack France on the west, while the earl of Flanders should do the same on the east: but, arriving at Portsmouth, the barons of England flatly refused to follow him, before he was absolved from his excommunication. John, upon this, was obliged to comply with the demand of the barons, to have the archbishop of Canterbury (with whose sentiments they, perhaps, by this time, were no strangers) with the rest of the exiled bishops, immediately recalled. For this purpose, John issued out a writ, and got twenty-four of his barons to join with him in assuring the prelates of safe conduct. The archbishop of Dublin, the bishop of Norwich, and the earl of Arundel, were then sent off to bring the exiled bishops to England; and on the 16th of July, the archbishop of Canterbury, with the bishops of London, Ely, Lincoln, and Hereford, with all the clerks and laics who had been exiled on account of the interdict, landed at Dover.

A. D. 1213.

The English displeased with John's success.

Paris. John determines to invade France.

The English refuse to follow John.

The exiled bishops return.

A. D. 1213.

John absolved
from his ex-
communica-
tion.

The king was then at Winchester, for which place the prelates set out; and John, hearing of their approach, came forth to meet them, and with a meanness as unbecoming as his oppressions had been intolerable, he fell flat on his face before their knees, beseeching them to have compassion upon him, and upon the kingdom of England. The humility of the good bishops was so shocked at seeing their sovereign grovelling before their feet, that they deigned to lift him up, and the procession set out for the cathedral, where John was absolved by the archbishop, after taking the following oath upon the holy gospels, viz. "That he would, to the utmost of his power, love, defend, and maintain Holy Church, and her clergy, against all their adversaries: That he would re-establish the good laws of his predecessors, especially those of king Edward: That he would destroy wicked laws, and judge every man according to the equitable sentence of his own court." He likewise swore, under pain of falling afresh under the sentence of excommunication, "That he would, in every thing belonging to the late interdict, cause complete and ample restitution to be made to all men, within the term of the following Easter." He likewise renewed his oath of fidelity to pope Innocent, and his successors in the holy see. This and the other ecclesiastical forms being over, all the company went to dinner, and the bishops being admitted to sit at the same table with the king, they feasted, says my author, with great merriment and jollity.

Paris.

The English
again refuse
to attend him.

John now imagined that matters would go smoothly on between him and his barons. The latter had not, indeed, any colourable excuse, from the differences between him and the pope, to withhold their attendance; and John, coming to Portsmouth, summoned them to follow him to France. But, instead of complying, they represented, that their long attendance upon his will had already exhausted both their patience and their estates; and some of the northern barons went so far, as to acquaint him, that they did not conceive their tenures obliged them to serve beyond seas: but they seemed withal to hint, that they should not be averse from attending him to France, provided their expences were defrayed out of the royal exchequer. This was, among the barons of England, a new doctrine, and seems to have been built upon what was determined in the case of the king of Scotland leaving the boundaries of his own fees. We are not, therefore, with some writers, to exclaim against this conduct of the barons as downright treason and rebellion. Perhaps it was unprecedented; but if it was warranted by their tenures and by law, it was justifiable: though I am far from justifying every step they pursued. John, however, found them so determined upon this point, that he was obliged to take shipping, attended only by his own domestics. Having sailed as far as Jersey, he there waited to see if any of his barons would retract and follow him; but

in vain: for they all went to their several homes; and John, full of rage and spite, was obliged to land again in England, without passing over to France.

A. D. 1213.

Mr. Collier says, that, when John set out upon this occasion, it appears, from the records of the Tower, that he left the bishop of Winchester sole regent of the kingdom in his absence; but the reverend gentleman has mistaken the times by a very pardonable inadvertency. The record he refers to, constitutes the bishop of Winchester, only chief justiciary of England; a power which John had reserved to himself, as we have already seen, by a saving clause in his act of submission: but the kingdom itself was, in consequence of the same submission, put under the protection of the holy church and the bishop of Tusculum, legate to the pope. Now, as it is beyond all dispute that this prelate had not yet arrived with this character in England, we never can refer this commission to the above, but to a subsequent occasion. We are, therefore, with Matthew Paris, whose authority upon this matter it is the interest of the violent to combat, to say, that John, before he set out for Portsmouth, appointed Geoffrey Fitz-peter and the bishop of Winchester justices of the realm; but that they should, in all matters of importance, consult with the archbishop of Canterbury. No sooner was the king gone, than the new regency held a council at St. Albans. It does not appear whether the king had actually left England when this council was held; I am of opinion that he had not; and, if so, a material point is cleared up, since a regency might act, even while the king was within the nation, after he had once delegated his power, though I know another opinion now prevails. It is true, few regencies were ever known to behave with spirit equal to what this shewed: for, after proclaiming the king's peace, it was by them decreed, that the laws of Henry I. should be observed all over the kingdom; and that no forester, sheriff, or any servant of the king, as he tendered his own life, should be guilty of extortion or injury to any one, or practising, as they had been used to do, scotals, by which is meant, a practice which those foresters had of keeping tippling-booths; by which they inveigled the subjects to spend their time and money.

A council at
St. Albans.

Soon after this assembly had broken up, the king landed in England, and highly resenting the desertion, as he thought it, of his nobles, he got together an army of his demesne tenants and foresters to reduce them by force. But the regency, as is plain from the face of the history, had a correspondence with the contumacious barons: those lived chiefly in the north; and John, advancing against them, had come as far as Northampton, when the archbishop of Canterbury overtook him.

John endeavours to
chastise his
barons.

This prelate was an illustrious example to prove, that every man of sense will be independent if he can. Though he owed his advancement to the papal favour, yet no sooner did he become an English baron, than,

A. D. 1213. ^{but is deterred by the resolution of the archbishop of Canterbury.} than, finding himself at the head of a great and a powerful body, he grew a violent opposer of all the measures which tended to subject the crown of England to a foreign power. The tyranny of the pope was, to him, as intolerable as that of any other power, and that of the king as hateful as was that of the pope. He very freely expostulated with John: he laid before him his late engagements when he was absolved from his excommunication, and that he had broken through them by levying war against his subjects before they had been judged by the equity of his court. John, fierce because relying upon the protection of the pope, whose power over a churchman especially he conceived to be omnipotent, answered, in a violent passion, That the archbishop had nothing to do in such matters, since no lay business belonged to his province. The archbishop could not then bring him to a better temper, and, next morning, John set out, breathing fury against all his adversaries, for Nottingham. He was followed by the archbishop, who, neither valuing his power nor his threats, repeated his remonstrances, and declared, that he was ready to anathematize every man (the king himself excepted) who, before the interdict was taken off, should dare to commit hostilities within the kingdom. John knew the power of the archbishop and the confederate barons too well for him to dally with this declaration. He saw that it was now generally understood, both in England and upon the continent, that every baron had a right to be tried by his peers before he could be hostilely proceeded against. He yielded to the force of reason, and appointed a day for the barons, whom he accused, to appear at his court, and there to answer for what should be objected against them.

A council at London.

The archbishop produces Henry I's charter of liberties. See p. 426.

In the month of September, the same year, a council was held at London; but whether by the appointment of the king, or whether it was not more properly held by the clergy themselves, I am at a loss to determine. However this may be, it is said, that the archbishop, taking aside several of the nobility, told them, that he had now an opportunity of putting them into the right road how to explain, to a determined sense, the words to which John had been bound, by the oath he took at his absolution, which were, "That he would re-establish the good laws of his predecessors, and especially of Edward." He said, that he had found out the charter of Henry I. (the same I have already inserted,) and that a due consideration of the same would determine the precise terms upon which they ought to insist. He then laid before them the charter, and it was solemnly read. Some authors, I know, have, from the words of Paris, which indeed seem to favour an opinion of that kind, apprehended that this charter was, before that time, unknown to the barons; but I cannot be satisfied that it was. Their constant and unvariable demand, ever since their differences with John began, were, that

they might be entitled to the privileges contained in that charter. It is indeed very possible, that, in the late persecution of the clergy, John might have found means to rifle the chartularies of religious houses, the repositories where all public deeds were kept, and that he might have taken particular care that as many copies as possible of this charter might be made away with; and that the barons, without the assistance of the archbishop, might have found it a very difficult matter to have procured one authentic enough to be sustained as evidence in John's court: but that the contents of the same were virtually understood, I think there is little room to doubt. The archbishop, therefore, having explained and expatiated upon the nature of this important deed, all the barons were extremely well pleased with the discovery, and they entered into an association upon oath, that they would, at a convenient opportunity, fight even unto the death for the liberties therein contained. The archbishop then indulged the conventual and parochial churches in a kind of release from their interdict, by suffering canonical hymns and prayers to be chanted in them with a low voice. We know of no other matter of importance which passed at this assembly, neither do we hear of any barons impleaded in it; though one is apt to believe, that, if it was called by John's authority, its principal business was to determine between him and his nobles. But, indeed, I am apt to think, with a lately extinguished light of the church, archbishop Wake, that this assembly was no parliament, but rather an inquest, summoned by the clergy to put a valuation upon what the church had suffered by John's late encroachments: for we find, that John, immediately after his absolution, had issued out writs to all the sheriffs of England, commanding them to cause four lawful men to meet at St. Albans, on the 4th of August following, with the reeve, or bailiff, of every town, in order to enquire into the damage which the church, and every particular bishop, had sustained during the late times of persecution. As we meet with no effect which this writ had, it is possible that it never was executed, and that the king had issued it only to please the clergy for the time. It was, therefore, natural for the archbishop to summon such a meeting, especially as the annals of Waverly expressly mention it to have been held for that purpose.

An association formed by the barons.

Reflections upon the same council.

The death of Geoffrey Fitz-peter is the next great event we meet with in this year; it happened upon the second of October. That great man, towards the latter-end of his life, seems to have been sensible that, in some things, he had too far complied in serving the prerogative. It is more than probable that he was one of the noblemen who had met at St. Albans, and approved of the proceedings there. At least it is certain that John had a hearty aversion for him before his death; for we are told, that the king being informed of it, said to some noblemen about him, with an air of impious triumph, "Now

"when

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“ when Fitz-peter goes to hell, let him salute archbishop Hubert, whom he will find there before him.”

From all the circumstances of this period we learn, that John was now brought into an almost total despair. Unable to make head against the king of France, or to fulfil his engagements upon the continent; too weak to force the barons from their determined purpose, and too shallow to fall upon the only expedient which could fix the clergy in his interests; whither could he turn him? To his barons? The conditions they exacted were bitter as death, to a mind like his. To the pope? His yoke was intolerable, and his burthen sunk him into infamy and want. His clergy found their temporal interests could be only secure by the security of public liberty, which alone could guard them from the tyranny of the pope and the king, both equally insufferable, both equally fatal to their importance. In this miserable state, we are told by Paris, that John thought of submitting himself and his crown to amiral Miramumelin, the Moorish king of Spain and Morocco. The persons whom he employed for this infamous service, were Thomas Hardington and Ralph Fitz-nicholas, two knights; with a clerk, called Robert of London. Their commission was, an offer from John to submit himself and his crown to the black prince, with a promise of paying him tribute, and of holding his scepter from him. John likewise offered to renounce the vain Christian law, and to embrace that of Mahomet.

John's application to the king of Morocco.

Reflections upon the credit of this embassy.

An embassy of so uncommon a nature as this was, has met with little credence with some authors, who are fond of royal characters, however divested of majesty; and tender of sovereign power, however prostituted to tyranny. For my own part, after the infamous concessions which John, as a king, made to the pope, I apprehend that there is no room for thinking any future meanness, to which he might fall, improbable: but this transaction has somewhat more than probability to support it. Matthew Paris relates it from the mouth of one of the agents, who produced the very presents he had got upon the occasion. He wrote when the thing was in a manner recent, and when the jealousy (so natural to all courts) of what concerned the late king must have led that of England to disprove it, had it been false. I must not, however, conceal, that this transaction has been omitted both by Wendover and Rishanger, and by Paris himself in his abridgment; but as the fact is of itself detached from all that immediately, or remotely, either precedes or follows it, it would have been impertinent to have inserted it in any of those works: besides, the principles of neither of those authors were so free as Paris, nor their intentions so honest. As to

the remarks of the moderns, who pretend to disprove this negociation, they are below contempt; they come from men who ought to be consulted with as much caution with regard to principles of civil liberty, as monks are with regard to those of religion. As there is not a single argument brought against this fact, excepting the improbability that a king would so much demean himself, we cannot reject it, without weakening the foundations of historical credibility itself; therefore, as I have found no objection, founded upon facts, to this relation, I shall give the substance of it, with some particulars which I think occur in no modern historian.

The deputies from John were introduced to the black monarch, after passing through a very formidable array of guards, posted at several avenues. After many reverences, they unfolded their commission, and presented their credentials to the king, whom they found reading. He seemed to be a sensible, decent, middle-aged, middle-sized person; an interpreter attending. Having heard what the deputies had to say, he answered, after some deliberation, “ That he had been reading the works of a Greek sage, who was “ a Christian, and that his name was Paul; “ that he liked his doctrine very well, but “ disliked his practice, in being so ductile “ and slippery as to turn renegade to the law “ under which he was born.” He then applied the case of Paul to the king of England. He next enquired into the constitution, and about the soil, the people, and climate of England; to all which the deputies answered with great encomiums upon every particular; only that they were obliged to import from other countries all their oil, wine, and furr. The amiral then, with a deep sigh, in compassion for the degeneracy of human nature, made the following memorable reply, which ought to be transmitted in monuments of brass, and which I shall translate from the words of my original, which I think are incapable of amendment (1). “ Never, said he, did I read or “ hear of a king, who having so noble a “ kingdom subjected and obedient to his “ sway, yet thus voluntarily sought to abase “ his majesty; from being free, to make it “ tributary; from being his own, to make “ it away; from being happy, to make it “ miserable; and, conquered without a blow, “ to surrender his power to another. I have “ heard, I have read, of many who have “ gloriously purchased liberty by a profusion “ of blood; but now I hear that your “ wretched, your spiritless, your heartless, “ your less-than-nothing sovereign, of a free- “ man desires to become a slave; a state “ which, of all other states, is to a man “ the most undesirable!” He then enquired, with great contempt, about John's personage;

The introduction of the deputies.

Their conference with the black king.

(1) Nunquam legi vel audiivi, quod aliquis rex tam prosperum regnum possidens subiectum et obediens, suum sic vellet sponte pessundare principatum: ut de libero faceret tributarium, de suo alienum, de felici miserum, et se alterius, tanquam sine vulnere victum, dedere voluntati. Quinimo de multis legi et audiivi quod multi sanguinis effusione et profluvio, sibi libertatem (quod laudabile fuit) compararent. Modo autem audio, quod dominus vester miser, deses, et imbellis, qui NULO NULLIOR est, de libero servus fieri desiderat, qui omnium mortalium miserrimus est. Paris.

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A. D. 1213.

and was told, that he was about fifty, and quite grey; the make of his body strong and compact. At last, his indignation was so much moved, that he turned the two ambassadors, who had taken the speech upon themselves, out of the room, with these words: "Your king is no king; he is a little, foolish, doating underling of a king, and I despise him." But observing that Robert the clerk, who was the third ambassador, and who had kept behind without speaking a word, was a person of a very disagreeable figure, he imagined that he would not be employed on such an important occasion, if he did not possess more qualities than his person promised. He ordered him to remain, and entered with him upon a fresh discourse about the king and kingdom of England. The priest, finding himself without all constraint, painted John in as unlovely colours as he deserved; and the black prince exclaimed against the English for being so mean-spirited as to bear with such a tyrant. To this Robert answered, "That the English are very tame and tractable, while their oppressions and injuries do not exceed certain bounds; but that those bounds being now exceeded, they were raging like lions, to throw the shameful yoke from their necks." The amiral then had many other confabulations with this clerk, and made him several handsome presents, part of which he gave to the king after his return to England. It is observable, that Paris relates all this from the mouth of this Robert the clerk, and names several officers and others about the abbey of St. Albans to whom Robert related the same, and shewed the costly presents he had from the black monarch; who, no doubt, with the other ambassadors he names, would have contradicted him if they could.

But John, mean as this submission which he thus solicited was, is now obliged to bow to that which was equally, nay more, inglorious to a king: for about (perhaps before) this time, Nicholas bishop of Tusculum came, vested with the power of papal legate, into England. The politic court of Rome, seeing the turn which the clergy of England were now likely to take in favour of civil liberty, had still continued the interdict, till she should have the king bound, as it were, the victim of her own ambition and power. The pretence of this legate's visit was to compromise the differences between the king and the clergy, and to restore tranquility to the nation. But the more plausible the pretences of pragmatical priests, acting out of their sphere, have been, their designs have ever, in the event, been found more dangerous. The clergy of England had no pretext for refusing this mediation. John offered to pay down an hundred thousand merks for the damage which the church had received, and to make further satisfaction if, upon inquisition, it was found that it amounted to more. This was by no means agreeable to the views of the archbishop of Canterbury and his brethren, who finding the legate intent upon their accepting the king's proffer,

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stood more than ever upon their guard. They therefore proposed, that an inquisition should be held as to all the damages which the church had sustained, and that the gross sum should be presented by the inquisitors to the king. John seemed, for the time, to agree to this proposal. Next day after this meeting, another was held in St. Paul's church at London, in order to take off the interdict: but before the legate could be brought to do this, John was obliged to renew his scandalous subjection to the pope, with more binding tokens than before; for now the charter had a golden, whereas before it had only a waxen, seal appended to it; and was put into the legate's hands, to be by him transmitted to Rome.

The 3d of November was the day when the king and the clergy were to meet at Reading, that they might settle the inquisition into the damages of the church; but John put it off for some days, and adjourned the meeting to Wallingford. Being assembled there, he offered, in general terms, to satisfy the bishops, and those who had been injured. But as they knew the insincerity of John, and that he now had the legate on his side, the clergy refused to be satisfied with promises alone: they insisted upon reparation, not only of what they had suffered in their spiritual, but in their temporal, capacities; and that the arbitration should be left to four barons, who were to take cognizance of the losses they had sustained by the demolition of their castles and houses, with the destruction and ruin of their gardens, orchards, woods, and other effects. In this arbitration, not only the concerns of the bishops seem to have been included, but those of all lay persons who had suffered by John's oppressive proceedings.

On the 6th of December, another meeting was held at Reading, where the several complainants appeared, and charts of damages ascertained by an inquisition before proper judges were produced, on behalf of each sufferer: but the king, now strongly supported by the legate, found means again to evade doing justice. The satisfaction was put off to all but the archbishop of Canterbury, and the bishops who had returned from exile, who received fifteen thousand merks of silver.

Though the imperious legate did all he could for supporting the arbitrary claims of the king, yet the spirit of the nation had now become too strong to be any longer confined by the enchantments of royal, or priestly, craft: for we find that, about this time, John was obliged to compromise matters with the northern barons, and to grant a confirmation of their ancient liberties, which, as we have already seen, were, to be exempted from appearing without the bounds of their own fees, at their own expence, to serve the king; for such they had declared their privileges to be, when they refused to follow the king to Poictou. This reconciliation, we are told, was effected by the mediation of the legate, and of the archbishop of Canterbury.

8 E

But

John renews his submission.

He promises satisfaction to the clergy.

John compromises matters with the northern barons.

A new legate arrives in England.

He endeavours to reconcile parties.

A. D. 1214.

The legate
fills up all ec-
clesiastical
preferments.

But the more the legate saw him embarrassed with his subjects, the more he knew John must want the patronage and protection of the see of Rome, and that he would be the less able to contradict or controul the pope in his insolent demands; he therefore advised his master to grant a bull for his filling up, according to his own pleasure, all bishoprics and abbeys, with strong threatenings to those convents and chapters who should dare to refuse their compliance. Having received this bull, his insults upon the bishops and clergy of England surpassed all bounds. Supported at once by regal and papal authority, he went about, from church to church, from abbey to abbey, attended by John's officers and clerks, filling up all vacancies with persons no way qualified for the trusts, and suspending all who ventured to appeal to Rome. But there were, at this time, vacant in England, three great ecclesiastical preferments; the archbishopric of York, with the bishoprics of Durham and Litchfield. The king, if we believe Walter of Coventry, refused to fill them up, but according to the ancient custom of the kingdom: but this might be a collusion between John and the legate, to keep in their own hands the revenues of those wealthy sees, till they, at least, could have tools fit for their purpose to place in them. Accordingly we find that an arbitration was brought before the court of Rome, which was, to determine how far this ancient custom was to extend. These measures seem to have given the finishing blow to the unpopularity in which both John and the pope were held by the clergy of England.

The earl of
Tholouse flies
into England.

The earl of Tholouse, having abetted the Abingenses (a set of heretics, according to the prevailing phrase of the times) and being expelled by arms from his own country, in a manner which is foreign to the subject of this history, now came into England; and John, this year, held his Christmas at Windsor. He gave, upon this occasion, rich liveries to the servants of the noblemen who attended him, and who, perhaps, were those who had been reconciled to the crown by the late treaty in the north. But the archbishop of Canterbury, deeply resenting the wounds which the coalition between the temporal and spiritual tyrant was daily inflicting upon the English church, now pursued a measure well worthy the spirit which an English primate ought to possess: for he called together a meeting of his suffragans at Dunstable, to consult of methods how to put a stop to the growing encroachments in church and state. It was there resolved, that messengers should be sent to the legate, who then was at Burton upon Trent, to prohibit him, in the name of the archbishop, from instituting ecclesiastics within the province of Canterbury; and, at the same time, the archbishop appealed to Rome for justice. The artful Pandulph was then attending the legate, in quality of a private person. Him the legate sent to Rome, to countermine, which was easy for him to do, the archbishop's interest there. This mini-

The archbi-
shop calls a
meeting.

ster, who brought over with him the king's new charter of submission, painted John as an angel of light; and so effectually prepossest the pope in his favour, that Simon Langton, the archbishop's brother, who was sent over as agent for the English clergy, could not prevail to be even admitted to an audience: for, in proportion as John was extolled, the barons and bishops were represented as a set of unruly, turbulent, factious men, aiming to destroy all subordination, to depress the just rights of the crown (that is, of the pope, who was now become the crown's paramount) and to destroy the liberties of the people. Many complaints were likewise urged against the clergy for their unreceding rigour, in exacting from the king the last farthing of what was due for the late depredations of their estates. Thus the church of England being condemned before conviction, even before hearing, at the bar of this infamous tribunal, John was encouraged to send over envoys to Rome, to solicit the repeal of the interdict, which still hung over the kingdom. But it is now time to look to the continent.

A. D. 1214.
The legate's
management
at Rome.

Philip king of France could not forgive the disappointment his arms had met with from the treachery of the see of Rome; and the pope, at this time, looked upon him as his most dangerous enemy. As John had much greater causes to be dissatisfied with him, and as the power of Philip was every day growing more and more obnoxious to all the princes upon the continent, John, in the year 1214, put himself at the head of a strong confederacy against the crown of France. The other contracting parties were, the emperor Otho, the duke of Brabant, the earls of Flanders and Bulloign, the dukes of Lorraine and Limburg, the earls of Holland and Namur, with many others.

A confederacy
against France.

The plan of their operations was, that John supplying the earl of Flanders and the other princes with large sums of money, a powerful army should be raised on the side of Flanders, which was to be joined by the emperor Otho and the earl of Salisbury, with the earl of Bulloign, and a strong detachment of English troops: that this army should begin their operations upon the Loire, while John should fall into Poictou with another powerful body of troops, and attack France upon that side. The plan was executed with great rapidity at first: for the army in the Low Countries, when joined by Otho and the English, consisted of near a hundred and fifty thousand men; while Philip, who had given the dominions they were first to attack to his son, had not above fifty thousand to oppose them. The confederates were thereby enabled to make a considerable progress, before Philip could look them in the face.

Its plan of
operations.

About Candlemas, John, with his queen, embarked for France at Portsmouth, and, attended by a great army, landed at Rochel. There he was joined by many noble Poictovins (an unconstant, giddy race) who now swore allegiance and fealty to him. This was followed by the reduction of several castles,

John goes
over to
France.

A. D. 1214. files, and the invasion of the territories belonging to the earls of March and Augi, and Geoffrey Lusignan, who lost his own and his son's liberty, with the castles of Mirevent and Novent. The earls of March and Augi then did homage to John, at Parthenay; and the scheme of a marriage was formed, between Joan, a princess of England, and the eldest son of the earl of March.

The interdict taken off.

While John was in this career of success, a commission came from the pope, directed to the legate in England, for taking off the long-subsisting interdict; and a plan for the same purpose was communicated to John by his holiness. The king instantly wrote to England orders for the earl-marshal, and all his other officers there, to obey the directions of the bishop of Winchester upon this head; and, as will appear hereafter, went over himself to England. The legate, upon receiving his instructions, immediately held a great council, consisting of the temporal, as well as spiritual, peers, at St. Paul's in London; and, in particular, was present the earl-marshal, who had been left by John with a kind of an attorney power, in conjunction with the legate, for ratifying whatever should be judged proper to be done in that affair. But the whole had been before concerted at Rome, and forty thousand marks was adjudged by the pope to be a sufficient equivalent for all the damages the prelates had sustained, the money they had received already on that account to be included. The balance being stated, amounted to thirteen thousand marks; and security for the payment being given on the part of the king, the interdict (which had lasted for six years, three months, and fourteen days) was solemnly taken off by the legate, on the feast of St. Peter and St. Paul.

Conduct of the bishops justified.

Some of our historians have been apt to blame, and others to excuse, the prelates, for compromising this affair, without including the indemnification of the inferior ranks of clergy, who were not comprehended in the estimate. It is true, they had, perhaps, a right to this inclusion, equally with their superiors; and the charters which John had extorted from them, as if all that had been forcibly taken from them had been graciously given by them, ought to have no weight to their prejudice, because they were obtained in duress. But both parties argue in a little manner in an affair of so much consequence to the liberties of England, as the taking off of this interdict was: for we are to consider, that the matter lay entirely in the breast of the pope, who never would have given the prelates one shilling, had he not imagined that his partiality for them would have been a kind of a bribe for their winking at his and John's encroachments upon civil, as well as religious liberty. Had the prelates, who very probably knew his motives, stood out, they might not only have had the interdict continued, but have lost all their arrears. It was, therefore, wise in them to secure the money to themselves; and honest, to make the taking off a sentence, which had brought so many calamities upon the

A. D. 1214. nation, the price of their acquiescence; especially as they could have got nothing, and might have hazarded all, by their standing out. The inferior sufferers, indeed, who were a great number, applied for satisfaction to the legate; but he dismissed them, with telling them, that no mention of them was made in his instruction, and recommended them to apply to the pope.

John was now near the close of his good success in France; for, after taking, or having surrendered to him, about twenty-six forts and castles, he left Poictou, and fell into Anjou, where he took Angiers, with some less considerable places. From thence he sent out detachments of cavalry to scour the country to very gates of Nantes, near which place the young count de Dreux, with about forty French gentlemen, were surrounded and taken prisoners in a sally. But the duke of Brittany had, by this time, returned to the French party, and having joined his troops with those of Philip, under the prince royal of France, they advanced to attack John, who had now sat down before a fortress called Roche-au-moine, situate between Angiers and Nantes. Both armies then prepared for battle, and John having the superiority in numbers, thought himself sure of conquest; but his treacherous Poictovins refused to come into the field; and John, fearing they might be in a concert with the French to betray him, left the field with so much precipitation, that he is said to have galloped eighteen leagues without drawing bridle. Our historians are silent as to the consequences of this retreat, only that the other army too retired shamefully; but this is improbable: and Rigord, the old French historian, says, that John's army being attacked by the French, in their retreat, lost a great number of men. What makes this the more probable is, that it is certain the prince of France, about this time, retook several fortresses and castles that had fallen into John's hands, particularly Angiers, the fortifications of which he demolished, and rased to the ground. But the campaign went still more favourable for France in other quarters.

Young count de Dreux taken.

The French and John retire from one another.

Philip undertook to command in person against the emperor Otho, who acted at the head of the confederates on the Loire. After putting his chief places of strength in the best posture of defence, and exhorting his soldiers to a brave resistance, he encamped his army under the walls of Peronne, while that of the allies lay near Valenciennes. On the twenty-third of July Philip left Peronne, and advanced towards Tournay, all the way ravaging the country. The allies, at the same time, made a motion towards Mortagne, which is about three or four leagues from Tournay, and there took up so advantageous a post, that they could not be attacked without great disadvantage to the enemy. Philip was sensible of this, notwithstanding his extreme ardour to give them battle. He was much inferior in numbers, but in cavalry he was superior to the allies; therefore his chief endeavours were to draw them

Progress of the war between Philip and the allies.

A. D. 1214.

Battle of Bovines.

Error of the allies.

The earl of Flanders made prisoner.

Philip's great danger,

and that of Otho.

them from their defiles into the plain, where his horse could act. With this view he made a motion as if he had sought to retire towards Lille. This feint had all the success that Philip could have desired; the allies advanced in good order, and, after several other feints and skirmishes, both parties drew up for a general battle, near Bovines, on the twenty-seventh of July. Philip that day, in the disposition of his troops, the taking up of his ground, but, above all, in the choice of his officers, discovered amazing abilities. It is not within my province minutely to describe this battle. The English were commanded by the earl of Bulloign, and engaged by Robert de Dreux, at the head of the troops of Gamaches, and those of Ponthieu. The great error of the allies that day seems to have proceeded from an ignoble motive; for, before the battle, it had been agreed upon, between the emperor, the earl of Flanders, and the earl of Bulloign, that they should bend the whole of their strength against the person of the king, which was known by the royal standard of France, bespangled by Fleurs-de-lis (the first time they are mentioned for the arms of France in history) which was carried in the squadron where he commanded. The earl of Flanders, the better to compass this purpose, made a disadvantageous movement, and being intercepted by the duke of Burgundy, was, after an obstinate resistance, taken prisoner. But, notwithstanding this, Philip found himself attacked by great numbers of the Germans with so much fury, that a German soldier was near enough to his person to strike into the collar of his armour a barbed short javelin, which he still held in his hand, and the teeth keeping their hold, the soldier dragged the king from his horse to the ground. The emperor Otho was hard by, and made all the haste he could to dispatch Philip; but his generous followers, with valour surpassing that of fable itself, saved their monarch, and turned the danger upon the person of his assailant, who escaped just with life, but left the imperial standard in the hands of his enemies. While those illustrious personages were thus alternately pursuing victory and safety, the earls of Bulloign and Salisbury, at the head of the English, maintained the battle on the right wing still unmoved and unbroken. Their troops had thrown themselves into a hollow body, the outer ranks armed with pikes, which they presented to the enemy, and thereby kept their position firm, and themselves united. This way of fighting seems to have been retained by the English from their Saxon ancestors; for we are not to imagine that the bulk of the English nation, who served both abroad and at home, were not originally Saxon, however intermingled with Norman blood. This phalanx pressed so close upon Philip, that his person was charged by the earl of Bulloign, who issued upon him from its center, and he was again put into the most imminent danger. The earl was but a sorry rebel; he had broken down his allegiance, but wanted resolu-

tion, through some troublesome remains of remorse, to go through with what he had begun. He stopped short in his career; he turned the point of the lance, which was lifted against the life of his sovereign, upon Robert de Dreux, and that nobleman bravely encountering him, the earl of Bulloign lost his liberty, after a prodigious resistance, and killing, with his own hand, numbers of his bravest enemies. We have no particular account of the loss which the English troops sustained in this battle; but we find that the earl of Salisbury likewise was taken prisoner.

So complete a victory, and so many illustrious prisoners, placed the power of Philip beyond all danger of any future insult. The balance between the crown and the vassalage of France may be said from that day to have been broken. Till then, the kings of France had little more power than the emperors of Germany have now; and, had the liberties of her great vassals survived that day, it is more than probable that the constitution of France would have been modelled much in the same manner with the now state of the Germanic empire. The king of France was very severe, with regard to those prisoners who were his own vassals. He confined the earl of Flanders in Paris, and shut up the earl of Bulloign, loaded with irons, in the tower of Peronne. As to the earl of Salisbury, Philip put him into the hands of the count de Dreux, that he might be exchanged with the young count, who had some days before been taken by the English near Nantes. But some writers pretend, that John refused to accept of the exchange, he entertaining a passion for the countess of Salisbury, and therefore desiring the absence of her husband. I am rather inclined to believe, that he was glad of being rid of the presence of every man of courage and virtue, who, like that nobleman, had power to oppose his tyrannical proceedings. What strengthens this opinion is, a letter which I find from John to the legate in England, and the government there, wherein, after several shuffling excuses, he says, that the affair of the excambion is of so much consequence, the count de Dreux being of the blood royal of France, that he would do nothing in it without their advice. But he seems inclined, that in the meantime, both captives should be set at liberty upon their parole, to return to their prisons by a certain day.

Moderation in the enjoyment of good fortune was very eminent in Philip; he did not chuse to push his advantages so as to oblige his enemies to seek for safety in an obstinate, desperate resistance; he chose, as was his constant maxim, to have some respite, that he might regulate the conquests he had already made, so as that they might be the more durable. With this view, a truce of fifteen days was at first agreed upon between him and John, who seems to have remained unactive ever since his retreat from the prince of France. This truce was negociated by the pope's legate in France, and signed by John on the last day of August.

The

A. D. 1214.

The earl of Bulloign taken prisoner.

Great consequences of the battle in favour of Philip.

who treats the earl of Bulloign rigorously.

Rymer, vol. 1. p. 191.

Philip's moderation.

Truce between him and John.

A. D. 1214.

State of af-
fairs in Eng-
land.John's nego-
ciations at
Rome.Rymer, vol. i.
p. 184.Ibid. p. 185.
John comes
for some weeks
to England.

The English barons, all this time, beheld with concern the great events which were every day happening on the continent. The king, before he left England, had, upon the feast of Epiphany, been petitioned by the barons at London, to grant them a confirmation of king Edward's laws, with their ancient rights and customs. John, depending upon the protection of the pope, not only refused to do this, though he had before sworn to do it; but endeavoured violently to extort from the barons an instrument under their hands and seals, solemnly promising, that they never should again presume to make any such demand, either from him or his successors. But though John had, at that time, a great army on foot, and though he was backed by the thunder of the vatican; yet was there not found an English baron mean enough to be frightened into compliance, excepting three, whose names ought to be condemned to perpetual remembrance, because, if remembered, they must be detested by Englishmen. They were, the bishop of Winchester, a foreigner by birth; the earl of Chester, a foreigner born likewise; and William de Briwere, a creature of the government in the late and this reign, and ready for all oppressive measures, either to enforce or obey them. John's affairs on the continent pressing his departure, he was not then in a condition of prosecuting his design; but he sent one of his servants, William Mauclerc, to Rome, that he might take care of his interests at that court. This minister had not been long there, before deputies arrived from all the baronetage in England, with letters of complaint and remonstrance against John. Mauclerc found that the court of Rome began to perceive that the resolution of the barons was too strong for them to be deterred by spiritual censures, and that the conduct of the legate, if continued, might exasperate them so far as to put them upon the necessity of throwing off all allegiance to the pope. There was little hopes, should this be the case, that the king of France would again venture a crusade, to reclaim England to her obedience to the holy see; and we find, that Mauclerc writes with great freedom, yet duty, with regard to the state of John's interest at that court. If Mr. Rymer has not mistaken a writ directed by John to some of his officers in England, it appears as if the representations of Mauclerc, and the state of his affairs, had prevailed with him to make a short excursion over, about May, to England. That he was in England at this time, is most certain, not only from the above writ, but from a safe conduct granted to an envoy of the king of France, dated from Reading the 2d of May. But as to the particulars of his business here (which must have been very pressing, to oblige him to leave the campaign in France) we are at a loss. If we might conjecture from the tenor of the above-mentioned writ, we should be inclined to believe, that the barons were then actually in arms; since it directs his officers and sheriffs to agree to a truce between him

and the barons, to commence from the date of the writ (which is May the 16th) to the Monday after the feast of St. Dunstan. While John was in England, he seems to have been under some apprehensions from Scotland; for we find a charter, dated from Corf-castle the 21st of April this year, notifying, that he acquitted William de Harcourt of the custody of the Scotch hostages and his other prisoners, whom the king now took into his own keeping, and probably he carried them with him into France. John's stay in England was till June; for we find letters from him, dated from Anjou the 17th of June this year.

The barons of England thought, that the defeat of their king's forces in France was a favourable incident for public rights. As slavery is the worst condition of life, no regard is due to the government which shall attempt to impose it; and every freeman must blush to be a native of the country which admits it. In short, it dissolves all ties of duty, and renders every mean of recovering liberty, nay, of distressing the tyrant, fair and honourable. Upon the news of the battle of Bovines, the barons held a general meeting at St. Edmundsbury: they pretended a pilgrimage, but it was to the shrine of liberty. Here they reviewed all the constitutional acts which had passed, in favour of the subject, under the Norman race; and finding that, excepting some inconsiderable additions made by Henry I. of his own goodwill, they were all only declarative of those rights they held from Edward the Confessor, they solemnly took the following oath at the high altar:

"That if the king should decline to grant them the foresaid laws and liberties, they would wage war against him so long as he should hold out, and withdraw themselves from his allegiance until he should, by charter under his seal, grant them all their demands."

They then entered into a general resolution, "That, after Christmas, they should all go in a body, and petition him to confirm their liberties: That, in the meantime, they should provide themselves with horses and arms, in case (as they believed he would) the king should, according to his usual double-dealing, start from his oath, that they might be in a condition to force him into compliance, by taking his castles." This resolution being formed, they all went to their respective homes. Perhaps no history can parallel so unanimous a resolution as this was, among so numerous a body of men as the barons of England then were. This rescues them from the imputation of faction; and their demands being founded upon plain positive concessions of the crown itself, and other public acts in which both the crown and the people were parties, takes away all pretence that their proceeding was rebellious.

John, by the mediation of the pope's legate and the earl of Chester, obtained from Philip a truce for five years. The form of

Reflections
upon this juncture.Engagements
of the barons.

Their oath.

A truce with
France for five
years.

A. D. 1215. this truce is in itself shameful, as it is granted in a charter from Philip to John, the latter, as it were, receiving it as a favour. John, upon this, hastened over to England; and the pope wrote a letter to Eustace de Vescei, requiring him to do his utmost in suppressing all conspiracies which were entered into against the king: but matters were now too far gone. The legate and the bishop of Winchester had acted with much imprudence in John's absence; instead of endeavouring to win over the barons by the gentler arts of government, and of doing all good offices between the king and them, they had pushed the prerogative higher than it was ever known to be carried, and thereby rendered their administration at once hateful and contemptible. A minister who becomes very unpopular is capable of doing but little service to his constituent; the court of Rome, therefore, sensible that the legate, by his over-zeal, had hurt the interests of the church, now recalled him. John, finding himself bereft of this faithful support, had now leisure to see the error of his government. He applied himself to popularity among the inferior clergy, who had been excluded from the late indemnification. He made presents to some of manors, to others of immunities, and to some of money; but all was ineffectual towards discharging the general odium which his government had by this time incurred.

For his Christmas feast, which he held at Worcester this year, lasted no longer than one day; in so great detestation was his government held, that no barons would attend it. Suspecting, therefore, how matters had been concerted, he posted up to London, and took up his residence in the new temple. Thither the barons, according to concert, repaired, and, in military array, demanded the confirmation of their liberties, as before recited; putting him in mind at the same time, that he was, by his oath at Winchester, obliged to grant their demands. The king found, by their air of resolution, that there was no room for shuffling, and no hopes by promising; all he desired, was some respite till after Easter, as the matter was of so great consequence to him, them, and the nation. But the suitors were determined, and therefore refused to indulge him even in that. Yet at last, after various propositions, none of which were satisfactory, John was, much against his inclination, obliged to suffer the archbishop of Canterbury and the earl-marshal, with the bishop of Ely, to become his sureties, that he would after Easter, on a certain day, give them satisfaction. During the intermediate time, John, to soften the clergy, granted, by his charter, liberty to all electors into bishoprics, abbeys, and conventual churches, to fill them up with incumbents of their own chusing; without any mention being made, as usual, of such or such persons being agreeable to the crown, for their fidelity, or other qualifications.

But still the great blow of restoring public liberty was yet to ward. As courts are ever

fruitful of expedients against what they dislike, John now required the homage of his subjects to be renewed, which, I suppose, was complied with, without difficulty, by the barons, who now came to understand that the homage was no longer binding than the crown kept to the performance of its own covenants. But, to put himself, as he imagined, beyond the reach of his subjects' resentment, he now took upon himself the cross, that inviolable badge, which was thought powerful enough to screen all perfidy, and absolve from all engagements.

But the barons had but one point in view, and were resolved to be deterred by no sounds from prosecuting it with all the vigour which the importance of whatever ought to be dear to mankind requires. They assembled at Stamford, and so nobly emancipated were they from the terrors of Rome, that no less than two thousand knights, besides other horsemen, appeared in the field, all well armed and appointed, and all determined to do justice to themselves, and the bleeding liberties of England. Their army, in all, did not consist of less than thirty thousand fighting men, considering the proportion of followers which is to be allowed to every knight. Though Stephen archbishop of Canterbury still remained about the king's person, doing all the good offices he could between him and his nobles; yet, finding John untractable, his heart was with the barons in the field, and he was, by the public, considered as their chief adviser and head. The other principals in this undertaking were Robert Fitz-walter, Eustace de Vescei, Richard de Percy, Peter de Bruis (the same I suppose with Bruce) Robert de Ross, Nicholas de Stuteville, the earls of Winchester, father and son, the earls of Clare, father and son, the earl Bigot, William Mowbray, Robert de Ver, William Mallet, William Montague, the young earl marshal, the earl of Essex, with many others, too tedious to mention.

John was expecting this storm, which now lowered so black. He found that his assumed character of the crusade could not protect him, and that he had no resource but to try the methods of negotiation; but none could be found to negotiate so properly as the two sureties, the archbishop and the elder earl marshal, most of his other ministers having lost all credit with the barons. These two noblemen found the barons rendezvousing at Brackley in Northamptonshire, and required of them a precise explication of what they conceived the liberties and rights they contended for, to be. The barons, upon this, delivered into the hands of the commissioners a schedule of their demands; declaring, that, if the king refused to confirm them, they were resolved to compel him, by seizing his demesnes and castles. The commissioners faithfully related all to the king, who, after perusing the schedule, "And pray, said he, with a scornful smile, why did not the barons, with those unjust exactions, demand my kingdom likewise?" "What

A. D. 1215.
Rymer, vol. i.
p. 195.

An. Wav.
ad. an. 1214.

The legate recalled.

John comes to London,

where the barons accost him.

A. D. 1215.
His expedients to put them off.

The barons assembled at Stamford.

The names of the chief. Paris.

The archbishop and the earl marshal negotiates with the barons,

A. D. 1215. "What they ask is foolish and idle." And then he added, with a great oath, "That he never would grant them such privileges as should make himself a slave."

who commences hostilities against the king.

The commissioners were then sent back to the barons, to whom they related all the king had said. The barons, now finding that all hopes of succeeding in their demands, by the way of negotiation, were at an end, resolved at once to draw the sword. They threw back their allegiance to the king, they defied him, and, having chosen Robert Fitz-walter for their head, with the title of marshal of the army of God, and of the holy church, they marched in a body to besiege the castle of Northampton. But being armed better with spirits than they were with proper engines, they spent fifteen days before the castle, without making any progress; and raising the siege, with the loss of Fitz-walter's son, they marched to the castle of Bedford, to which they found ready admittance from the governor, William Beauchamp.

I have already taken notice that Fitz-walter had great interest in London; and, it is probable, he had all along a secret correspondence with the citizens: for, while the barons lay near Bedford castle, private messengers came from the Londoners, to inform their head, that the city was ready to admit them, provided they made their approaches with secrecy and resolution. Upon this they broke up quarters, and marched to Ware. From thence they went very privately, on the twenty-third of May, and, before day-break next morning, being the Sunday before Ascension-day, they entered Aldgate, the citizens then being generally employed in attending mass.

The barons take possession of London.

They threaten the noblemen who did not join them.

The possession of London without loss, was an important point gained by the barons, and an omen of recovered liberty. They immediately drew up a manifesto, which they sent to all the noblemen who had not yet joined the association. These were the elder earl marshal, the earls of Chester, Salisbury, Warren, Albemarle, and Cornwall, with the barons William de Albany, Robert de Vieuxpont, Peter Fitz-hubert, Brien de Lisle, Geoffrey de Lucy, Geoffrey de Furnival, Thomas Bassett, Henry de Braibroke, John de Bassingborn, William de Cantilope, Henry de Cornhulste, John Fitz-hugh, Hugh de Neville, Philip de Albiney, John Marescall, and the perpetual time-server, William de Briwere. Though the measure was both wise and justifiable in writing to them, yet I think they wrote in terms which favour too much of the ungovernable spirit which success, rather than liberty, dictates: for they not only invited those barons to join them, but certified them that if they did not, and if they continued to adhere to the perjured king, they would fall upon their estates, demolish their castles, burn their houses, and ruin their parks, orchards, and warrens. This threat was by no means justifiable, since, even in the case to which the barons

were then reduced, offensive war was justifiable only so far as it immediately concerned the establishment of their own liberties. The spirit of the English constitution was wounded by this step, as it tended to put a force upon, perhaps, tender consciences, and men who were guilty of nothing but not abandoning their sovereign, to whom they might lie under personal obligations, and who never had individually given them just handle for opposition. I am, therefore, from the words of the historian, inclined to believe, that those noblemen were in a correspondence with the opposing barons, and that they only wanted such a requisition to give them a plausible pretence for joining them, and to prevent John from treating them as rebels. For we are told, by Paris, that most of them waited only for the manifesto to join the barons, which they did, and that they entirely abandoned the king. Paris adds, that the king, about this time, counterfeited the seals of all the bishops of England, and sent them to foreign nations, affixed to letters, in which the English were represented as a factious, rebellious race, and detestable to all mankind; inviting foreigners to come and settle in England, and promising them the inheritances of the rebels. But I think this carries with it a face of improbability, since, if John had such a purpose, there was no occasion for him to be guilty of a forgery to compass it. The pope would have been both ready and willing to have entered into a scheme of that kind, and John's own manifesto would have been the strongest inducement to foreigners.

The spirit of defection was not confined to London, it ran all over the kingdom, particularly in Devonshire, where a parcel of banditti (for so they seemed to be by their proceedings) took Exeter, plundered it, and then disappeared, afraid or ashamed, as they well might be, of what they had done.

The nation all in arms.

The spirit of liberty is regular; it is beneficent; it flies into no excesses, till it degenerates into licentiousness. To know the true limits between these, is given to few: most people confound them together, but from opposite reasons; the one party, from slavish principles admitting of no difference; the other, from irregular practices knowing none. Both are equally destructive of true liberty, which is bounded by laws, and known by its fruits. Let us, therefore, in the awful name of liberty itself, point out wherever she attempted to destroy herself, by exceeding her limits, and by entering on those paths, which begin in lawless confusion, are continued by dark design, and end in irretrievable tyranny. Bold rebellion and mean compliance are two hand-maids of ambition, which, at different ends, twist the rope of subjection. Let Englishmen, therefore, tread with caution upon this delicate period of their history; the footing is sometimes firm; sometimes their steps may press upon fire, smothered under subdolous ashes. Detestable would that

General reflection.

Reflections upon this step.

A. D. 1215. that writer be, who should seek to mislead them, while one glimmering ray was left him to guide his own progress.

Walter de
Coventry.

Rog. de
Wend. MSS.
in Bib. Cot.
Great defec-
tion from the
king.

His humilia-
tion.

While the south was thus in an uproar, the northern parts were all in agitation. It was from thence that the most determined of the barons had come. The people there taking arms, raised a force considerable enough to make themselves masters of Lincoln; but in vain they besieged the castle. The Londoners, at the same time, strengthened by the power of the barons, made several sallies from the city, and harassed the king's estates, not without blood-shed.

The defection now became so general, that the king had scarcely seven knights left to attend him; and there was a total cessation of justice all over the kingdom. The people now behaved, in every respect, as if the great reciprocal ties of allegiance and protection had been dissolved; and no longer attended the courts of the Exchequer and other courts, where pleas were carried on in the king's name. A total stop was likewise put to the payment of the royal revenues. Those afflictions seemed to touch, and at last to mend, the heart of John: he saw himself forlorn, and abandoned by all; without having that best of all friends, the testimony of a good conscience, to support him: he humbled himself before the majesty of his people; and, while the heavy hand of affliction was upon him, he was, perhaps, sincere.

The excellent earl-marshal the elder, still continued to reconcile, by his prudent behaviour, and by that authority which upright conduct always begets, the principles of loyalty to those of liberty: a rare instance! owing more to the circumstances of situation, than the fore-cast of judgment; to the virtues of the heart, than the abilities of the head. Him John employed, in this day of his distress, to mediate between him and his injured people. The archbishop of Canterbury seems to have been then with the barons, and John besought him to employ his good offices with them, to forward the negotiation of the marshal. If I mistake not, John was at this time in Windsor castle, from whence the marshal and two other messengers set out for London. They lay before the barons the king's propositions;

they shew his readiness to come to an accommodation; and they desire, that they would name a place for his setting his hand to their demands. The barons, overjoyed that heaven had taken from the king the heart of stone, and given him a heart of flesh, agree to the proposal; and a mead, called Running-mead, between Stains and Windsor, was appointed for the place of consummating this second, and better nuptial, between the king and his people.

Upon the day prefixed, which was the fifteenth of June, a day which deserves the whitest note in the English calendar, both parties appeared on the Mead, and pitched their tents at some distance the one from the other. John's readiness to comply with the demands of his subjects, had now brought some noblemen back to his court. On his side, therefore, appeared the archbishops of Canterbury and Dublin, with the bishops of London, Winchester, Lincoln, Bath, Worcester, Coventry, and Rochester, and master Pandulph the pope's legate, and Almeric master of the knights-templars in England; and of the laity, William Marescall earl of Pembroke, the earl of Salisbury, Warren, and Arundel; with those barons, Alan de Galoway, William Fitz-gerald, Peter and Matthew Fitz-herbert, Thomas and Alan Basset, Hugh de Neville, Hubert de Burgh seneschal of Poictou, Robert de Roppeley, John Marescall, and Philip de Albiney. On the other side, appeared the collective body of all the barons in England. The archbishop of Canterbury mediating between the two parties, the barons produced the following charters, which John ratified. The first contains the common liberties of the nobility and nation, as a people, and is founded upon the Saxon constitutions, together with the grants of Norman kings; almost the whole being either declaratory, or explanatory, of what had been in force before. The other charter is called that of the forests, and relates chiefly to forest laws. I shall give both. The first is from an original, which is still preserved in the Cottonian library, with the seal a little damaged; but with some variations from that which is in Matthew Paris, which are marked within crotchets.

A. D. 1215.
He agrees to
the demands
of the barons.

Names of the
barons who
appeared on
his side.

The grant of
magna charta,
and the forest
charter.

CHARTA Communium Libertatum;
five MAGNA CHARTA regis JO-
HANNIS; ex Autographo Cotto-
niano.

A. D. 1215.

JOHANNES Dei gratia rex Anglie, do-
minus Hibernie, dux Normannie, Aquit-
anie, et comes Andegavie, archiepiscopis,
episcopis, abbatibus, comitibus, baronibus,
justiciariis, foreſtariis, vicecomitibus, prepo-
ſitis, miniſtris, et omnibus ballivis et fide-
libus ſuis, ſalutem. Sciatis nos intuitu Dei et
pro ſalute anime noſtre et omnium anteceſ-
ſorum et heredum noſtrorum, ad honorem
Dei, et exaltationem ſancte eccleſie, et emen-
dationem regni noſtri, per conſilium venera-
bilium patrum noſtrorum Stephani Cantua-
rienſis archiepſcopi, totius Anglie primatis
et ſancte Romane eccleſie cardinalis, Henrici
Dublinienſis archiepſcopi, Willielmi Lon-
donienſis, Petri Wintonienſis, Joſcelini Batho-
nienſis et Glaſton, Hugonis Lincolnienſis,
Walteri Wygornienſis, Willielmi Coventren-
ſis, et Benedicti Roſſenſis episcoporum; ma-
giſtri Pandulfi domini papa ſubdiaconi et fa-
miliaris, fratris Eymerici magiſtri militie tem-
pli in Anglia; et nobilium virorum Willielmi
Marſcalli comitis Penbrok, Willielmi comitis
Sarum, Willielmi comitis Warennie, Will-
elmi comitis Arundell, Alani de Galweya
conſtabularii Scottie, Warini filii Geroldi,
Petri filii Hereberti, Huberti de Burgo ſeneſ-
calli Picſtavie, Hugonis de Nevill, Matthei
filii Hereberti, Thome Baſſet, Alani Baſſet,
Philippi de Albinaco, Roberti de Roppele,
Johannis Mareſcalli, Johannis filii Hugonis,
et aliorum fidelium noſtrorum. In primis con-
ceſſiſſe Deo, et hac preſente charta noſtra
confirmari, pro nobis et heredibus noſtris in
perpetuum;

I. Quod Anglicana eccleſia libera ſit, et
habeat jura ſua integra, et libertates ſuas ille-
ſas; * et ita volumus obſervari, quod apparet
ex eo, quod libertatem electionum que max-
ima et magis neceſſaria reputatur eccleſie
Anglicane, mera et ſpontanea voluntate, ante
diſcordiam inter nos et barones noſtros mo-
tam, conceſſimus et carta noſtra confirmavi-
mus, et eam optinuimus a domino papa In-
nocentio tertio confirmari; quam et nos ob-
ſervabimus, et ab heredibus noſtris in perpe-
tuum bona fide volumus obſervari.

II. Conceſſimus etiam omnibus liberis ho-
minibus regni noſtri pro nobis et heredibus
noſtris in perpetuum, omnes libertates ſub-
ſcriptas, habendas et tenendas eis et heredibus
ſuis, de nobis et heredibus noſtris.

III. Si quis comitum vel baronum noſtro-
rum, five aliorum tenentium de nobis in ca-
pite per ſervitium militare, mortuus fuerit,
et cum deceſſerit heres ſuus plene etatis fuerit,

et

“ The CHARTER of Liberties, or
“ the GREAT CHARTER granted
“ by king JOHN to his ſubjects
“ in the year 1215.

JOHN, by the grace of God, king of A. D. 1215.
“ England, lord of Ireland, duke of
“ Normandy and Aquitaine, and earl of
“ Anjou, to the archbiſhops; biſhops, abbots,
“ earls, barons, juſticiaries of the foreſts,
“ ſheriffs, governors, officers, and to all bai-
“ liffs and other his faithful ſubjects, greeting.
“ Know ye, that we, in the preſence of
“ God, and for the health of our ſoul, and
“ the ſouls of all our anceſtors and heirs, and
“ to the honour of God, and the exaltation
“ of holy church, and amendment of our
“ kingdom, by advice of our venerable fa-
“ thers, Stephen archbiſhop of Canterbury,
“ primate of all England, and cardinal of the
“ holy Roman church; Henry archbiſhop
“ of Dublin, William biſhop of London,
“ Peter of Wincheſter, Jocelin of Bath and
“ Glaſtenbury, Hugh of Lincoln, Walter
“ of Worceſter, William of Coventry, Be-
“ nediſt of Rocheſter, biſhops; and maſter
“ Pandulph, the pope’s ſub-deacon, and an-
“ cient ſervant, brother Aymeric, maſter of
“ the Temple in England; and the noble
“ perſons William Mareſcall earl of Pem-
“ broke, William earl of Salisbury, Wil-
“ liam earl of Warren, William earl of
“ Arundel, Alan de Galoway, conſtable of
“ Scotland, Warin Fitz-gerald, Peter Fitz-
“ herebert, and Hubert de Burgh, ſeneſchal
“ of Poiſtou, Hugo de Neville, Matthew
“ Fitz-herebert, Thomas Baſſet, Alan Baſ-
“ ſet, Philip de Albiney, Robert de Roppele,
“ John Mareſcall, John Fitz-hugh, and
“ others our liege-men; have, in the firſt
“ place, granted to God, and by this our
“ preſent charter, confirmed for us and our
“ heirs for ever.

I. “ That the church of England ſhall be
“ free, and enjoy her rights entire, and her
“ liberties inviolable. And we will have them
“ ſo to be obſerved, that it may appear from
“ hence, that the freedom of elections, which
“ was reckoned chief and indiſpenſible to
“ the Engliſh church, and which we granted
“ and confirmed by our charter, and obtained
“ the confirmation of from pope Innocent III,
“ before the diſcord between us and our ba-
“ rons, was granted of mere free will; which
“ charter we ſhall obſerve, and do will it to be
“ faithfully obſerved by our heirs for ever.

II. “ We have alſo granted to all freemen
“ of our kingdom, for us and our heirs for
“ ever, all the under-written liberties, to
“ have and to hold them and their heirs,
“ of us and our heirs.

III. “ If any of our earls, or barons, or
“ others who hold of us in chief by mili-
“ tary ſervice, ſhall die, and, at the time
“ of his death, his heir ſhall be of full
“ age,

* Deest in
charta Hen. 3.

A. D. 1215. et relevium debeat, habeat hereditatem suam per antiquum relevium, scilicet heres vel heredes comitis de baronia comitis integra per centum libras. Heres vel heredes baronis de baronia integra per centum libras. Heres vel heredes militis de feodo militis integro per centum solidos ad plus: et qui minus debuerit, minus det secundum antiquam consuetudinem feodorum.

IV. Si autem heres alicujus talium fuerit infra etatem, et fuerit in custodia: cum ad etatem pervenerit, habeat hereditatem suam sine relevio et sine fine.

V. Custos terre hujusmodi heredis qui infra etatem fuerit, non capiat de terra heredis nisi rationabiles exitus, et rationabiles consuetudines, et rationabilia servitia, et hoc sine destructione et vasto hominum vel rerum. Et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus illius nobis respondere debeat, et ille destructionem de custodia fecerit vel vastum, nos ab illo capiemus emendam, et terra committatur duobus legalibus et discretis hominibus de feodo illo, qui de exitibus respondeant nobis vel ei cui eos assignaverimus. Et si dederimus vel vendiderimus alicui custodiam alicujus talis terre, et ille destructionem inde fecerit vel vastum, amittat ipsam custodiam, et tradatur duobus legalibus et discretis hominibus de feodo illo, qui similiter nobis respondeant, sicut predictum est.

VI. Custos autem quamdiu custodiam terre habuerit, sustentet domos, parcos, vivaria, stagna, molendina, et cetera ad terram illam pertinentia de exitibus terre ejusdem, et reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carrucis et wainnagiis secundum quod tempus wainnagii exigit, et exitus terre rationabiliter poterunt sustinere.

VII. Heredes maritentur absque disparagione; * ita tamen quod antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius heredis.

A. D. 1215. "age, and owe a relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl, for a whole earl's barony, by an hundred pounds; the heir or heirs of a baron, for a whole barony, by an hundred pounds; the heir or heirs of a knight, for a whole knight's fee, by an hundred shillings at most; and whoever oweth less shall give less, according to the ancient custom of fees.

IV. "But if the heir of any such shall be under age, and shall be in ward" [his lord shall not have the wardship of him, nor his land, before he hath received his homage; and after such heir shall be in ward, and attain to the age of one and twenty years] "when he comes of age, he shall have his inheritance without relief, or without fine." [Yet so, that if he be made a knight while he is under age, nevertheless the lands shall remain in the custody of the lord, until the aforesaid time.]

V. "The warden of the land of such heir, who shall be under age, shall not take of the land of such heir other than reasonable issues, reasonable customs, and reasonable services; and that without destruction and waste of the tenants or effects" [upon the estate]. "And if we shall commit the guardianship of those lands to the sheriff, or any other who is answerable to us for the issues of the land; and if he shall make destruction and waste upon the ward lands, we will compel him to give satisfaction, and the land shall be committed to lawful and discreet tenants of that fee, who shall be answerable for the issues to us, or to him whom we shall assign them. And if we shall give or sell to any one the wardship of any such lands, and if he makes destruction or waste upon them, he shall lose the wardship itself, which shall be committed to two lawful and discreet tenants of that fee, who shall, in like manner, be answerable to us, as aforesaid.

VI. "But the warden, so long as he shall have the wardship of the land, shall keep up the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall restore to the heir, when he comes of full age, his whole land, stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear." [And all these things shall be observed in the custodies of vacant archbishoprics, bishoprics, abbies, priories, churches, and dignities which appertain to us; except that these wardships are not to be fold.]

VII. "Heirs shall be married without disparagement, so as that before matrimony shall be contracted, those who are nearest in blood to the heir shall be made acquainted with it.

A. D. 1215.

VIII. Vidua post mortem mariti sui statim et sine difficultate habeat maritadium et hereditatem suam; nec aliquid det pro dote sua vel pro maritagio suo, vel hereditate sua; quam hereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti; et maneat in domo mariti sui per quadraginta dies post mortem ipsius, infra quos assignetur ei dos sua.

VIII. "A widow, after the death of her husband, shall forthwith, and without difficulty, have her marriage and inheritance; nor shall she give any thing for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death: and she may remain in the mansion-house of her husband forty days after his death; within which term her dower shall be assigned." [If it was not assigned before, or unless the house shall be a castle; and if she departs from the castle, there shall forthwith be provided for her a complete house, in which she may decently dwell, till her dower be to her assigned, as hath been said; and she shall, in the mean time, have her reasonable estover, (i. e. competent maintenance) out of the common revenue. And there shall be assigned to her, for her dower, the third part of all her husband's lands which were his in his life-time, except she were endowed with less at the church-door.]

A. D. 1215.

IX. Nulla vidua distringatur ad se maritandum, dum voluerit vivere sine marito. Ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui de quo tenuerit si de alio tenuerit.

IX. "No widow shall be distrained to marry herself so long as she has a mind to live without a husband. But yet she shall give security that she will not marry without our assent, if she holds of us; or without the consent of the lord of whom she holds, if she holds of another."

X. Nec nos, nec ballivi nostri seisiemus terram aliquam nec redditum pro debito aliquo, quamdiu catalla debitoris sufficiunt ad debitum reddendum: nec pleggii ipsius debitoris distringantur, quamdiu ipse capitalis debitor sufficit ad solutionem debiti.

X. "Neither we, nor our bailiffs shall seize any land or rent for any debt, so long as there shall be chattels of the debtor's upon the premises, sufficient to pay the debt," [and the debtor be ready to satisfy it.] "Nor shall the sureties of the debtor be distrained, so long as the principal debtor is sufficient for the payment of the debt."

XI. Et si capitalis debitor defecerit in solutione debiti, non habens unde solvat, pleggii respondeant de debito, et si voluerint habeant terras et redditus debitoris, donec sit eis satisfactum de debito quod ante pro eo solverint, nisi capitalis debitor monstraverit se esse quietum inde versus eosdem pleggios.

XI. "And if the principal debtor shall fail in the payment of the debt, not having wherewithal to pay it," [or will not discharge it when he is able,] "then the sureties shall answer the debt, and if they will, they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they paid for him; unless the principal debtor can shew himself acquitted thereof, against the said sureties."

* XII. Si quis mutuo ceperit aliquid a Judeis plus vel minus, et moriatur antequam debitum illud solvatur, debitum non usuret quamdiu heres fuerit infra etatem, de quocumque teneat; et si debitum illud inciderit in manus nostras, nos non capiemus nisi catalogum contentum in charta.

XII. "If any one have borrowed any thing of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold; and if the debt falls into our hands, we will take only the chattel mentioned in the charter or instrument."

* XIII. Et si quis moriatur, et debitum debeat Judeis, uxor ejus habeat dotem suam, et nichil reddat de debito illo; et si liberi ipsius defuncti, qui fuerint infra etatem, remanserint, provideantur iis necessaria secundum tenementum quod fuerit defuncti; et de residuo solvatur debitum, salvo servitio domini.

XIII. "And if any one shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessities provided for them, according to the tenement (or real estate) of the deceased, and out of the residue."

* Deest in charta Hen. 3.

* Deest in charta Hen. 3.

A. D. 1215. dominorum. Simili modo fiat de debitis que debentur aliis quam Judeis.

“ residue the debt shall be paid; saving, however, the service of the lords. In like manner let it be with the debts due to other persons than Jews.

XIV. Nullum scutagium vel auxilium ponatur in regno nostro nisi per commune consilium regni nostri, nisi ad corpus nostrum redimendum; et primogenitum filium nostrum militem faciendum; et ad filiam nostram primogenitam semel maritandam: et ad hec non fiat nisi rationabile auxilium.

XIV. “ No scutage, or aid, shall be imposed in our kingdom, unless by the common council of our kingdom, except for ransoming our person, and making our eldest son a knight, and once for marrying our eldest daughter; and for these there shall be paid only a reasonable aid.

XV. Simili modo fiat de auxiliis de civitate London. et civitas London. habeat omnes antiquas libertates, et liberas consuetudines suas tam per terras quam per aquas.

XV. “ In like manner it shall be concerning the aids of the city of London; and the city of London shall have all its ancient liberties, and free customs, as well by land as by water.

XVI. Preterea volumus et concedimus, quod omnes alie civitates, et burgi, et ville et portus habeant omnes libertates et liberas consuetudines suas, et ad habendum commune consilium regni de auxilio assidendo aliter quam in tribus casibus predictis.

“ XVI. “ Furthermore, we will and grant that all other cities, and boroughs, and towns,” [and barons of Cinque-ports] “ and ports, shall have all their liberties and free customs; and for holding the common-council of the kingdom concerning the assessment of their aids, except in the three cases aforesaid.

* Deest in charta Hen. 3.

* XVII. Vel de scutagio assidendo, summoneri faciemus archiepiscopos, episcopos, abbates, comites, et majores barones sigillatim per literas nostras.

XVII. “ And for the assessing of scutages, we shall cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm, singly by our letters.

* Deest in charta Hen. 3.

* XVIII. Et preterea faciemus summoneri in generali per vicecomites, et ballivos nostros omnes illos qui de nobis tenent in capite ad certum diem, scilicet ad terminum quadraginta dierum ad minus, et ad certum locum, et in omnibus litteris illius summonitionis causam summonitionis exprimemus.

XVIII. “ And farthermore, we shall cause to be summoned in general, by our sheriffs and bailiffs, all others who hold of us in chief, at a certain day, that is to say, forty days before their meeting at least, and to a certain place; and, in all letters of such summons, we will declare the cause of the summons.

* Deest in charta Hen. 3.

* XIX. Et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui presentes fuerint, quamvis non omnes summoniti venerint.

XIX. “ And, summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.

XX. Nos non concedimus de cetero alicui quod capiat auxilium de liberis hominibus suis, nisi ad corpus suum redimendum; et ad faciendum primogenitum filium suum militem; et ad primogenitam filiam suam semel maritandam; et ad hec non fiat nisi rationabile auxilium.

XX. “ We will not, for the future, grant to any one that he may take aid of his own free tenants, unless to ransom his body, and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall only be paid a reasonable aid.

XXI. Nullus distringatur ad faciendum majus servitium de feodo militis, nec de alio libero tenemento, quam inde debetur.

XXI. “ No man shall be distrained to perform more service for a knight's fee, or other free tenement, than is due from thence.

XXII. Communia placita non sequantur curiam nostram, sed teneantur in aliquo loco certo. Recognitiones de nova disseisina; de morte antecessoris, et de ultima presentatione non capiantur nisi in suis comitatibus, et hoc modo: nos, vel si extra regnum fuerimus, capitalis justiciarius noster, mittemus duos justiciarios per unumquemque comitatum, per quatuor vices in anno: qui cum quatuor militibus cujuslibet comitatus electis

XXII. “ Common pleas shall not follow our court, but shall be holden in some certain place; trials upon the writs of novel disseisin, and of mort d'ancestor, and of darreine presentment shall not be taken but in their proper counties, and after this manner. We, and if we shall be out of the realm, our chief justiciary, shall send two justiciaries through every county four times a year, who, with four knights, chosen out

A. D. 1215. *per comitatum, capiant in comitatu, et in die et loco comitatus assisas predictas.*

A. D. 1215. *“ out of every shire by the people, shall hold the said assizes in the county, on the day, and at the place appointed.*

XXIII. Et si, in die comitatus, assise predictae capi non possint, tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo, per quos possint iudicia sufficienter fieri, secundum quod negotium fuerit majus vel minus.

XXIII. “ And if any matters cannot be determined on the day appointed for holding the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid, shall be appointed to decide them, as is necessary, according as there is more or less business.” [Assizes of darreine presentment to churches shall be always taken before the justiciaries of the bench.]

XXIV. Liber homo non amercietur pro parvo delicto, nisi secundum modum delicti; et pro magno delicto amercietur, secundum magnitudinem delicti: salvo contenemento suo; et mercator eodem modo salva mercandisa sua.

XXIV. “ A freeman shall not be amerced for a small fault, but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it, saving to him his contenement, and after the same manner a merchant, saving to him his merchandise.

XXV. Et villanus eodem modo amercietur salvo wainnagio suo, si inciderint in misericordiam nostram; et nulla dictarum misericordiarum ponatur nisi per sacramentum proborum hominum de visneto.

XXV. “ And a villain” [of any other than our own] “ shall be amerced after the same manner, saving to him his wainage, if he falls under our amerciament; and none of the aforesaid amerciaments shall be assessed but by the oath of honest men of the neighbourhood.” [Of the county.]

XXVI. Comites et barones non amercientur, nisi per pares suos, et non nisi secundum modum delicti.

XXVI. “ Earls and barons shall not be amerced but by their peers, and according to the degree of the offence.

XXVII. Nullus clericus amercietur de laico tenemento suo, nisi secundum modum aliorum predictorum, et non secundum quantitatem beneficii sui ecclesiastici.

XXVII. “ No ecclesiastical person shall be amerced for his lay-tenement, but according to the proportion of the others aforesaid, and not according to the value of his ecclesiastical benefice.

XXVIII. Nec villa, nec homo distringatur facere pontes ad riparias, nisi qui ab antiquo et de jure facere debent.

XXVIII. “ Neither a town, nor any tenant, shall be distrained to make bridges over rivers, unless that anciently and of right they are bound to do it.” [No river, for the future, shall be imbanked, but what was imbanked in the time king Henry our grandfather.]

XXIX. Nullus vicecomes, constabularius, coronatores, vel alii ballivi nostri teneant placita corone nostre.

XXIX. “ No sheriff, castellan, coroners, or other our bailiffs, shall hold pleas of the crown.

* XXX. Omnes comitatus, hundredi, wapentakia, et trethingi sint ad antiquas firmas, absque ullo incremento, exceptis dominicis maneriis nostris.

XXX. “ All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any increase, except in our demesne manors.

XXXI. Si aliquis tenens de nobis laicum feodum, moriatur, et vicecomites vel ballivus noster ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit; liceat vicecomiti vel ballivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti, per visum legalium hominum, ita tamen quod nichil inde amoveatur, donec persolvatur nobis debitum; quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti, et si nichil

XXXI. “ If any one, holding of us a lay-fee, dies, and the sheriff, or our bailiff, shew our letters patents of summons concerning the debt, due to us from the deceased, it shall be lawful for the sheriff, or our bailiff, to attach and register the chattels of the deceased found upon his lay-fee, to the value of the debt, by the view of lawful men, so as nothing be removed until our whole debt be paid; and the rest shall be left to the executors, who are to fulfil the will of the deceased: And, if

* Deest in charta Hen. 3.

A. D. 1215. nobis debeatur ab ipso omnia catalla cedant defuncto, salvis uxori ipsius et pueris rationalibus partibus suis.

“ there be nothing due from him to us, all
“ the chattels shall remain to the deceased,
“ saving to his wife and children their rea-
“ sonable shares.

* Deest in
charta Hen. 3.

* XXXII. Si aliquis liber homo intestatus decesserit, catalla sua per manus propinquorum, parentum, et amicorum suorum per visum ecclesie distribuuntur; salvis unicuique debitis que defunctus ei debebat.

XXXII. “ If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest relations and friends by view of the church, saving to every one his debts, which the deceased owed to him.

XXXIII. Nullus constabularius vel alius ballivus noster capiat blada vel alia catalla alicujus, nisi statim inde reddat denarios, aut respectum inde habere possit de voluntate venditoris.

XXXIII. “ No constable or bailiff of ours shall take corn, or other chattels of any man,” [who is not of the town where the castle is] “ unless he presently gives him money for it, or hath respite of payment by the good-will of the seller.” [But, if he be of the same town, he shall pay him within forty days.]

XXXIV. Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri si facere voluerit custodiam illam in propria persona sua, vel per alium probum hominem si ipse eam facere non possit propter rationabilem causam.

XXXIV. “ No constable shall restrain any knight to give money for castle-guard, if he himself will do it in his own person, or by another able man, in case he cannot do it through any reasonable cause.

XXXV. Et si nos duxerimus vel miserimus eum in exercitum, erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in exercitu.

XXXV. “ And if we lead him, or send him into the army, he shall be free from such guard, for the time he shall be in the army, by our command.” [For the fee, for which he did service in the army.]

XXXVI. Nullus vicecomes vel ballivus noster vel aliquis alius capiat equos vel caretas alicujus liberi hominis pro cariagio faciendo nisi de voluntate ipsius liberi hominis.

XXXVI. “ No sheriff or bailiff of ours, or any other, shall take horses or carts of any for carriage, but by the good-will of the said freeman.” [Without paying according to the rate anciently appointed, that is to say, for a cart and two horses, tenpence a day; and for a cart with three horses, fourteen-pence a day.]

XXXVII. Nec nos, nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda nostra, nisi per voluntatem ipsius cuius boscus ille fuerit.

XXXVII. “ Neither shall we, or our bailiffs, take any man's timber for our castles, or other uses, unless by the consent of the owner of the timber.” [No demesne cart of any ecclesiastical person, or knight, or any lady, shall be taken by our officers.]

XXXVIII. Nos non tenebimus terras illorum qui convicti fuerint de feloniam, nisi per unum annum et unum diem, et tunc reddantur terre dominis feodorum.

XXXVIII. “ We will retain the lands of those that are convicted of felony only one year and a day, and then they shall be delivered to the lord of the fee.

XXXIX. Omnes kydeli de cetero deponantur penitus de Thamisia et de Medewaye, et per totam Angliam nisi per costeram maris.

XXXIX. “ All wares, for the time to come, shall be put down in the rivers of Thames and Medway, and throughout all England, except upon the sea-coast.

XL. Breve quod vocatur precipe de cetero non fiat alicui de aliquo tenemento, unde liber homo amittere possit curiam suam.

XL. “ The writ, which is called præcipe, for the future, shall not be made out to any one of any tenement, whereby a freeman may lose his court.

XLI. Una mensura vini sit per totum regnum nostrum, et una mensura cervisie, et una mensura bladi, scilicet quarterium Londoniense, et una latitudo pannorum tinctorum

XLI. “ There shall be one measure of wine, and one of ale, through our whole realm, and one measure of corn, that is to say, the London quarter; and one
“ breadth

A.D. 1215. rum et ruffetorum et halbergettorum, scilicet due ulne infra listas. De ponderibus autem fit ut de mensuris.

A.D. 1215. " breadth of dyed cloth, and ruffets, and " haberjects, that is to say, two ells within " the list. As to weights, they shall be as the " measures.

XLII. Nichil datur vel capiatur de cetero pro brevi inquisitionis de vita vel membris, sed gratis concedatur, et non negetur.

XLII. " From henceforward nothing shall " be given or taken for a writ of inquisition, of life or limbs; but it shall be " granted gratis, and not denied.

XLIII. Si aliquis teneat de nobis per feodifirmam, vel per sokagium, vel per burgagium, et de alio terram teneat per servitium militare, nos non habebimus custodiam heredis nec terre sue que est de feodo alterius, occasione illius feodifirme vel sokagii, vel burgagii, nec habebimus custodiam illius feodifirme, vel sokagii vel burgagii, nisi ipsa feodifirma debeat servitium militare.

XLIII. " If any one holds of us, by " fee-farm, or socage, or burgage, and " holds lands of another by military service, we will not have the wardship " of the heir, or land, which is of another man's fee, by reason of what he " holds of us by fee-farm, socage, or burgage: nor will we have the wardship of " the fee-farm, socage, or burgage, unless " the fee-farm is bound to perform military " service.

XLIV. Nos non habebimus custodiam heredis vel terre alicujus quam tenet de alio per servitium militare, occasione alicujus parve fergenterie quam tenet de nobis per servitium reddendi nobis cultellos vel sagittas vel hujusmodi.

XLIV. " We will not have the wardship of an heir, nor of any land, which " he holds of another by military service, " by reason of any petit-serjeanty he holds " of us, as by the service of giving us " knives, arrows, or the like.

XLV. Nullus ballivus ponat de cetero aliquem ad legem simplici loquela sua sine testibus fidelibus ad hoc inductis.

XLV. " No bailiff, for the future, shall " put any man to his law," [nor to an oath] " upon his single word, without credible " witnesses produced to prove it.

XLVI. Nullus liber homo capiatur, vel imprisonetur, aut disseisietur, aut utlagetur, aut exuletur, aut aliquo modo destruatur; nec super eum ibimus, nec super eum mittemus, nisi, per legale iudicium parium suorum, vel per legem terre.

XLVI. " No freeman shall be taken, or " imprisoned, or disseised," [of his freehold, or liberties, or free-customs,] " or " out-lawed, or banished, or any ways destroyed; nor will we pass upon him, or " commit him to prison, unless by the lawful judgment of his peers, or by the law " of the land.

XLVII. Nulli vendemus, nulli negabimus, aut differemus rectum aut justiciam.

XLVII. " We will sell to no man, we " will deny no man, nor delay right nor " justice.

XLVIII. Omnes mercatores habeant saluum et securum exire de Anglia et venire in Angliam, et morari et ire per Angliam, tam per terram quam per aquam, ad emendum et vendendum, sine omnibus malis toltis, per antiquas et rectas consuetudines preterquam in tempore gwerre, et si sint de terra contra nos gwerrina.

XLVIII. " All merchants" [unless they be publicly prohibited,] " shall have safe " and secure conduct to go out of, and to " come into, England; and to stay there, " and to pass as well by land as by water; " for buying and selling by the ancient and " allowed customs, without any evil tolls, " except in time of war, or when they are " of any nation in war with us.

XLIX. Et si tales inveniantur in terra nostra in principio gwerre, attachientur sine dampno corporum et rerum, donec sciatur a nobis vel capitali iusticiario nostro quomodo mercatores terre nostre tractentur qui tunc inveniantur in terra contra nos gwerrina; et si nostri salvi sint ibi, alii salvi sint in terra nostra.

XLIX. " And, if there be found any " such in our land in the beginning of " the war, they shall be attached, without " damage to their bodies or goods, until it " may be known unto us, or our chief justiciary, how our merchants are treated in " the nation at war with us; and, if ours " be safe there, the others shall be safe in " our dominions.

* L. Liceat unicuique de cetero exire de regno nostro, et redire, salvo et secure per terram et per aquam salva fide nostra, nisi tempore gwerre per aliquod breve tempus propter

L. " It shall be lawful, for the time to " come, for any one to go out of our kingdom, and return safely and securely by " land or by water, saving his allegiance " to

A. D. 1215. *propter communem utilitatem regni, exceptis inprisonatis et utlagatis secundum legem regni, et gente de terra contra nos gwerrina, et mercatoribus de quibus fiat sicut predictum est.*

A. D. 1215. "to us, unless in time of war, by some short space, for the common benefit of the realm, except prisoners and outlaws (according to the law of the land) and people in war with us, and merchants who shall be in such condition as is above-mentioned."

LI. Si quis tenuerit de aliqua escaeta sicut de honore Walingeford, Notingeham, Bononia, Lainkastrie, vel de aliis escaetis que sunt in manu nostra, et sunt baronie, et obierit, heres ejus non det aliud relevium, nec faciat nobis aliud servitium quam faceret baroni si baronia illa esset in manu baronis, et nos eodem modo eam tenebimus quo baro eam tenuit.

LI. "If any man holds of any escheat, as of the honour of Wallingford, Nottingham, Bulloign, Lancaster, or of other escheats which are in our hands, and are baronies, and dies, his heir shall give no other relief, and perform no other service, to us, than he would to the baron, if the barony were in possession of the baron: we will hold it after the same manner the baron held it." [Nor will we, by reason of such barony or escheat, have any escheat or wardship of any of our men, unless he that held the barony or escheat held of us in chief elsewhere.]

* Deest in charta Hen. 3.

* LII. Homines qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones, nisi sint in placito, vel pleggii alicujus vel aliquorum qui attachiati sint pro foresta.

LII. "Those men who dwell without the forest, from henceforth, shall not come before our justiciaries of the forest upon common summons, but such as are impleaded, or are pledges for any that were attached for something concerning the forest." [No country-court, for the future, shall be holden, but from month to month; and where there used to be a greater interval, let it be so continued. Neither any sheriff, nor his bailiff, shall keep his turn in the hundred oftener than twice in a year, and only in the accustomed place, that is, once after Easter, and once after Michaelmas; and the view of frank-pledge shall be held after Michaelmas, without occasion, and so that every one shall have his liberties, which he had, and was wont to have, in the time of king Henry our grandfather, or such as he obtained afterwards. But the view of frank-pledge shall be so made, that our peace may be kept, and that the tything be full, as it was wont to be. And the sheriffs shall not seek occasions, but shall be content with what the sheriff was wont to have for making his view in the time of king Henry our grandfather. For the time to come, it shall not be lawful for any man to give his land to a religious house, so as to take it again, and hold it of that house. Nor shall it be lawful for any religious house to receive land, so as to grant it to him again of whom they received it, to hold of him. If any man, for the future, shall so give his land to a religious house, and be convicted thereof, his gift shall be void, and the land shall be forfeited to the lord of the fee. Scutage, for the future, shall not be taken as it was used to be taken in the time of king Henry our grandfather; and that the sheriff shall oppress no man, but be content with what he was wont to have. Saving to the archbishops, bishops, abbots, priors, templars, hospitallers, earls, barons, knights, and all others, as well ecclesiastics as seculars, the liberties and free customs which they had before: these being witnesses, &c.]

A. D. 1215. **LIII.** Nos non faciemus justiciarios, constabularios, vicecomites, vel ballivos nisi de talibus qui sciant legem regni, et eam bene velint observare.

LIV. Omnes barones qui fundaverunt abbatias unde habent cartas regum Anglie, vel antiquam tenuram, habeant earum custodiam cum vacaverint, sicut habere debent.

LV. Omnes foreste que aforestate sunt tempore nostro, statim deafforestentur, et ita fiat de ripariis que per nos tempore nostro posite sunt in defenso.

LVI. Omnes male consuetudines de forestis, warrenis, et de forestariis et warennariis, vicecomitibus, et eorum ministris, ripariis et earum custodibus statim inquirantur in quolibet comitatu per duodecim milites juratos de eodem comitatu, qui debent eligi per probos homines ejusdem comitatus, et infra quadraginta dies post inquisitionem factam, penitus, ita quod numquam revocentur, deleantur. o---

LVII. Omnes obsides et cartas statim redemus que liberate fuerunt nobis ab Anglicis in securitatem pacis, vel fidelis servitii.

LVIII. Nos amovebimus penitus de balliviis parentes Gerardi de Athyes, quod de cetero nullam habeant balliviam in Anglia; Engelardum de Cygony, Andream, Petrum, et Gyonem, de Cancellaria; Gyonem de Cygony, Galfridum de Martyni, et fratres ejus, Philippum Markum, et fratres ejus, et Galfridum nepotem ejus, et totam sequelam eorundem.

LIX. Et statim post pacis reformationem, amovebimus de regno, omnes alienigenas milites, balistarios, servientes stipendiarios, qui venerint cum equis et armis ad nocumentum regni.

LX. Si quis fuerit disseisitus, vel elongatus per nos, sine legali judicio parium suorum, de terris, castallis, libertatibus, vel jure suo, statim ea ei restituemus; et si contentio super hoc orta fuerit, tunc inde fiat per iudicium viginti quinque baronum, de quibus fit mentio inferius in securitate pacis.

LXI. De omnibus autem illis de quibus aliquis disseisitus fuerit, vel elongatus, sine legali judicio parium suorum per Henricum regem

A. D. 1215. **LIII.** " We will not make any justiciaries, constables, sheriffs, or bailiffs, but such as are knowing in the law of the realm, and are disposed duly to observe it.

LIV. " All barons, who are founders of abbies, and have charters of the kings of England for the advowson, or are entitled to it by ancient tenure, may have the custody of them, when vacant, as they ought to have.

LV. " All woods that have been taken into the forests" [by king Richard our brother] " in our own time, shall forthwith be laid out again," [unless they were our demesne woods] " and the same shall be done with the rivers that have been taken or fenced in by us, during our reign.

LVI. " All evil customs concerning forests, warrens, and foresters, warreners, sheriffs and their officers, rivers, and their keepers, shall forthwith be enquired into in each county, by twelve knights sworn of the same shire, chosen by creditable persons in the same county, and upon oath; and, within forty days after the said inquest, be utterly abolished, so as never to be restored." [No freeman, for the future, shall give or sell any more of his land, but so that, out of the residue, the service due to the lord of the fee may be sufficiently performed.]

LVII. " We will immediately give up all hostages and writings, delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

LVIII. " We will entirely remove from our bailiwics the relations of Gerard de Athyes, so as that, for the future, they shall have no bailwic in England. We will also remove Engelard de Cygony, Andrew, Peter and Gyon, from the Chancery; Gyon de Cygony, Geoffrey de Martyn, and his brothers, Philip Mark, and his brothers, and his nephew Geoffrey, and their whole following.

LIX. " And, as soon as peace is restored, we will send out of the kingdom all foreign soldiers, cross-bow-men, and stipendiaries, who are come with horses and arms, to the prejudice of our people.

LX. " If any one has been dispossessed, or deprived by us, without the legal judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him; and, if any dispute arises upon this head, let the matter be done away by the five and twenty barons hereafter spoken of, for the preservation of the peace.

LXI. " As for all those things, of which any person has, without the legal judgment of his peers, been dispossessed or deprived, either

A. D. 1215. *regem patrem nostrum, vel per Ricardum regem fratrem nostrum, que in manu nostra habemus, vel que alii tenent, que nos oporteat warentizare respectum habebimus usque ad communem terminum cruce-signatorum. Exceptis illis de quibus placitum motum fuit, vel inquisitio facta per preceptum nostrum, ante susceptionem crucis nostre; cum autem redierimus de peregrinatione nostra, vel si forte remanserimus a peregrinatione nostra, statim inde plenam justiciam exhibebimus.*

LXII. Eundem autem respectum habebimus, ---o de forestis deafforestandis, quas Henricus pater noster vel Ricardus frater noster afforestaverant, et de custodiis terrarum que sunt de alieno feodo, cujusmodi custodias hucusque habuimus, occasione feodi quod aliquis de nobis tenuit per servitium militare, et de abbatibus que fundate fuerint in feodo alterius quam nostro, in quibus dominis feodi dixerit se jus habere; et cum redierimus, vel si remanserimus a peregrinatione nostra, super hiis conquerentibus plenam justiciam statim exhibebimus.

LXIII. Nullus capiatur nec imprisonetur, propter appellum femine, de morte alterius, quam viri sui.

LXIV. Omnes fines, qui injuste et contra legem terre facti sunt nobiscum, et omnia amerciamenta facta injuste et contra legem terre, omnino condonentur, vel fiat inde per judicium viginti quinque baronum de quibus fit mentio inferius in securitate pacis, vel per judicium majoris partis eorundem, una cum predicto Stephano Cantuariensi archiepiscopo, si interesse poterit, et aliis quos secum ad hoc vocare voluerit; et si interesse non poterit, nichilominus procedat negotium sine eo. Ita quod, si aliquis vel aliqui, de predictis viginti quinque baronibus, fuerint in simili querela, amoveantur, quantum ad hoc judicium, et alii loco illorum per residuos de eisdem viginti quinque tantum ad hoc faciendum electi, et jurati substituantur.

LXV. Si nos disseisimus, vel elongavimus Walenses de terris, vel libertatibus, vel rebus aliis, sine legali judicio parium suorum, eis statim reddantur; et si contentio super hoc orta fuerit, tunc inde fiat in Marchia per judicium parium suorum; de tenementis Anglie, secundum legem Anglie, de tenementis Wallie, secundum legem Wallie, de tenementis Marchie, secundum legem Marchie: idem facient Walenses nobis et nostris.

LXVI. De omnibus autem illis de quibus aliquis Walensium disseisitus fuerit, vel elongatus,

A. D. 1215. *by king Henry our father, or our brother king Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite, till the term usually allowed the croises; excepting those things about which there is a plea depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But, when we return from our pilgrimage, or if we do not perform it, we will immediately cause full justice to be administered therein.*

LXII. "The same respite we shall have for disafforesting the forests, which Henry our father, or our brother Richard, have afforested; and for the wardship of the lands which are in another's fee, in the same manner as we have hitherto enjoyed those wardships, by reason of a fee held of us by knight's service; and for the abbies founded in any other fee than our own, in which the lord of the fee says he has a right; and, when we return from our pilgrimage, or if we should not perform it, we will immediately do full justice to all the complainants in this behalf.

LXIII. "No man shall be taken or imprisoned, upon the appeal of a woman, for the death of any other person than her husband.

LXIV. "All unjust and illegal fines made with us, and all amerciaments imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five and twenty barons hereafter mentioned, for the preservation of the peace, or of the major part of them, together with the foresaid Stephen archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him; and if he cannot be present, the business shall notwithstanding go on without him. But so that, if one or more of the foresaid five and twenty barons be plaintiffs in the same cause, they shall be set aside, as to what concerns this particular affair, and others be chosen, in their room, out of the said five and twenty, and sworn by the rest to decide that matter.

LXV. "If we have disseised or dispossessed the Welsh of any lands, liberties, or other things, without the legal judgment of their peers, they shall immediately be restored to them. And if any dispute arises upon this head, the matter shall be determined in the Marche, by the judgment of their peers; for tenements in England, according to the law of England; for tenements in Wales, according to the law of Wales; for the tenements of the Marche, according to the law of the Marche: the same shall the Welsh do to us and our subjects.

LXVI. "As for all those things, of which any Welshman hath, without the legal judgment

A. D. 1215. *gatus, sine legali judicio parium suorum, per Henricum regem patrem nostrum vel Ricardum regem fratrem nostrum, que nos in manu nostra habemus, vel que alii tenent, que nos oporteat warrantizare, respectum habebimus usque ad communem terminum cruce-signatorum: illis exceptis de quibus placitum motum fuit vel inquisitio facta per perceptum nostrum, ante susceptionem crucis nostre; cum autem redierimus, vel si forte remanserimus a peregrinatione nostra, statim eis inde plenam justiciam exhibebimus, secundum leges Walensium, et partes predictas.*

LXVII. Nos reddemus filium Lewelini statim, et omnes obsides de Wallia, et cartas que nobis liberate fuerunt in securitatem pacis.

LXVIII. Nos faciemus Alexandro regi Scottorum, de sororibus suis et obsidibus reddendis, et libertatibus suis, et jure suo, secundum formam in qua faciemus aliis baronibus nostris Anglie, nisi aliter esse debeat per cartas quas habemus de Willielmo patre ipsius, quondam rege Scottorum; et hoc erit per judicium parium suorum in curia nostra.

LXIX. Omnes autem istas consuetudines predictas, et libertates quas nos concessimus in regno nostro tenendas, quantum ad nos pertinet erga nostros omnes de regno nostro, tam clerici quam laici observent, quantum ad se pertinet erga suos.

LXX. Cum autem pro Deo, et ad emendationem regni nostri, et ad melius sopiendam discordiam inter nos et barones nostros ortam, hec omnia predicta concesserimus, volentes ea integra et firma stabilitate gaudere, facimus et concedimus eis securitatem subscriptam; videlicet quod barones eligant viginti quinque barones de regno, quos voluerint, qui debeant pro totis viribus suis, observare, tenere, et facere observari, pacem et libertates quas eis concessimus, et hac presenti carta nostra confirmavimus. Ita scilicet quod si nos, vel justiciarius noster, vel ballivi nostri, vel aliquis de ministris nostris, in aliquo erga aliquem deliquerimus, vel aliquem articulorum pacis aut securitatis transgressi fuerimus, et delictum ostensum fuerit quatuor baronibus de predictis viginti quinque baronibus, illi quatuor barones accedant ad nos, vel ad justiciarium nostrum si fuerimus extra regnum, proponentes nobis excessum, petent, ut excessum illum sine dilatione faciamus emendari: et si nos excessum non emendaverimus, vel si fuerimus extra regnum justiciarius noster non emendaverit, infra tempus quadraginta dierum,

compu-

A. D. 1215. *judgment of his peers, been disseised or deprived, by king Henry our father, or our brother king Richard, and which we either have in our hands, or others are possessed of, and we are obliged to warrant it, we shall have a respite till the time generally allowed the croises; excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade. But when we return, or if we stay at home without performing our pilgrimage, we will immediately do them full justice, according to the laws of the Welsh, and of the parts fore-mentioned.*

LXVII. " We will, without delay, dismiss the son of Lewelin, and all the Welsh hostages, and release them from the engagements they have entered into with us for the preservation of the peace.

LXVIII. " We shall treat with Alexander king of Scots, concerning the restoring his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England; unless, by the charters which we have from his father, William late king of Scots, it ought to be otherwise; and this shall be left to the determination of his peers in our court.

LXIX. " All the aforesaid customs and liberties which we have granted, to be holden in our kingdom, as much as it belongs to us towards our people of our kingdom, as well clergy as laity, shall observe, as far as they are concerned, towards their dependents.

LXX. " And whereas, for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between us and our barons, we have granted all the things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the underwritten security; namely, that the barons may chuse five and twenty barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and, by this our present charter, confirmed. So as that, if we, our justiciary, our bailiffs, or any of our officers, shall in any circumstance fail in the performance of them towards any person, or shall break through any of these articles of peace and security, and the offence is notified to four barons, chosen out of the five and twenty forementioned, the said four barons shall repair to us, or our justiciary, if we are out of the realm, and laying open the grievance, shall petition to have it redressed without delay; and, if it is not redressed by us, or, if we should chance to be out of the realm, if it is not redressed by our justiciary, within forty days,

A. D. 1215. computandum a tempore quo monstratum fuerit nobis, vel iusticiario nostro, si extra regnum fuerimus, predicti quatuor barones referent causam illam ad residuos de viginti quinque baronibus, et illi viginti quinque barones cum communa totius terre, distringent et gravabunt nos modis omnibus quibus poterunt, scilicet per captionem castrorum, terrarum, possessionum, et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum; salva persona nostra, et regine nostre, et liberorum nostrorum, et cum fuerit emendatum intendent nobis sicut prius fecerunt.

LXXI. Et quicumque voluerit de terra, juret, quod ad predicta omnia exequenda parebit mandatis predictorum viginti quinque baronum, et quod gravabit nos pro posse suo cum ipsis; et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit, et nulli unquam jurare prohibebimus.

LXXII. Omnes autem illos de terra qui per se et sponte sua noluerint jurare viginti quinque baronibus de distringendo et gravando nos cum eis, faciemus jurare eosdem de mandato nostro, sicut predictum est.

LXXIII. Et si aliquis de viginti quinque baronibus decesserit, vel a terra recesserit, vel aliquo alio modo impeditus fuerit, quo minus ista predicta possent exequi, qui residui fuerint de predictis viginti quinque baronibus, eligant alium loco ipsius, pro arbitrio suo, qui simili modo erit juratus quo et ceteri.

LXXIV. In omnibus autem, que istis viginti quinque baronibus committuntur exequenda, si forte ipsi viginti quinque presentes fuerint, et inter se super re aliqua discordaverint, vel aliqui ex eis summoniti, nolint, vel nequeant interesse, ratum habeatur et firmum, quod major pars eorum qui presentes fuerint providerit, vel preceperit, ac si omnes viginti quinque in hoc consensissent, et predicti viginti quinque jurent quod omnia antedicta fideliter observabunt et pro toto posse suo facient observari.

LXXV. Et nos nichil impetrabimus ab aliquo, per nos, nec per alium, per quod aliqua istarum concessionum et libertatum revocetur vel minuatur, et si aliquid tale impetratum fuerit irritum sit et inane; et nunquam eo utemur per nos, nec per alium.

LXXVI. Et omnes malas voluntates, indignationes, et rancores ortos inter nos et homines nostros, clericos et laicos, a tempore discordie, plene omnibus remisimus, et con-

“ days, reckoning from the time it has been
“ notified to us, or to our justiciary, if we
“ should be out of the realm, the four ba-
“ rons aforesaid shall lay the cause before
“ the rest of the five and twenty barons;
“ and the said five and twenty barons, to-
“ gether with the community of the whole
“ kingdom, shall distress and distress us all
“ the ways possible; namely, by seizing our
“ castles, lands, possessions, and in any other
“ manner they can, till the grievance is re-
“ dressed according to their pleasure, saving
“ harmless our own person, and the person
“ of our queen and children; and, when it
“ is redressed, they shall obey us as before.

LXXI. “ And any person whatsoever in
“ the kingdom, may swear, that he will
“ obey the orders of the five and twenty
“ barons aforesaid, in the execution of the
“ premises, and that he will distress us, joint-
“ ly with them, to the utmost of his power;
“ and we give public and free liberty to any
“ one that shall please to swear to them, and
“ never shall hinder any person from taking
“ the same oath.

LXXII. “ As for all those of our subjects,
“ who will not, of their own accord, swear
“ to join the five and twenty barons, in de-
“ straining and distressing us, we will issue our
“ order to make them take the same oath,
“ as is afore said.

LXXIII. “ And if any one of the five
“ and twenty barons dies, or goes out of
“ the kingdom, or is hindered any other
“ way, from carrying the things aforesaid in
“ execution, the rest of the said five and
“ twenty barons may chuse another in his
“ room, at their discretion, who shall be
“ sworn in in like manner, as the rest.

LXXIV. “ In all things that are com-
“ mitted to the execution of these five and
“ twenty barons, if, when they are all as-
“ sembled together, they should happen to
“ disagree about any matter, or some of
“ them, when summoned, will not, or can-
“ not, come, whatever is agreed upon, or
“ enjoined, by the major part of those who
“ are present, shall be reputed as firm and
“ valid, as if all the five and twenty had
“ given their consent; and the foresaid five
“ and twenty shall swear, that all the pre-
“ mises they shall faithfully observe, and
“ cause with all their power to be observed.

LXXV. “ And we will not, by ourselves, or
“ by any other, procure any thing, whereby
“ any of these concessions and liberties be
“ revoked, or lessened; and if any such
“ thing be obtained, let it be null and void;
“ neither shall we ever make use of it, ei-
“ ther by ourselves, or any other.

LXXVI. “ And all the ill-will, anger,
“ and malice, that hath arisen between us
“ and our subjects, of the clergy and laity,
“ from the first breaking out of the dissen-
“ sion between us, we do fully remit, and
“ forgive.

A. D. 1215. donavimus. Preterea, omnes transgression-
factas occasione ejusdem discordie, a pascha
anno regni nostri sextodecimo, usque ad pa-
cem reformatam, plene remisimus omnibus
clericis et laicis, et quantum ad nos pertinet
plene condonavimus.

LXXVII. Et insuper, fecimus eis fieri lit-
teras testimoniales patentes domini Stephani
Cantuariensis archiepiscopi, domini Henrici
Dubliniensis archiepiscopi, et episcoporum
predictorum, et magistri Pandulphi, super se-
curitate ista, et concessionibus prefatis.

LXXVIII. Quare volumus et firmiter pre-
cipimus, quod Anglicana ecclesia libera sit,
et quod homines in regno nostro habeant, et
teneant, omnes prefatas libertates, jura, et
concessiones, bene et in pace, libere et qui-
ete, plene et integre, sibi et heredibus suis,
de nobis et heredibus nostris in omnibus re-
bus et locis in perpetuum, sicut predictum
est.

LXXIX. Juratum est autem tam ex parte
nostra, quam ex parte baronum, quod hec
omnia supradicta, bona fide, et sine malo
ingenio observabuntur.

Testibus supradictis, et multis aliis. Data
per manum nostram in prato quod vo-
catur Runingmede inter Windelesfor. et
Stanes quinto decimo die Junii, anno
regni nostri septimo decimo.

o--- Deleantur] per eosdem ita quod nos
hoc sciamus prius vel justiciarius noster si in
Anglia non fuerimus.

---o Eundem autem respectum habebi-
mus,] et eodem modo de justitia exhibenda,
~~De forestis deafforestandis vel remansuris forestis.~~

÷ Parium suorum] in Angl. vel in Wallia.

∴ Gaudere] in perpetuum.---- *

* The Black Letters are those which, in one copy of the charter, were rendered illegible by the flames, which, in 1731, consumed part of the Cottonian library; but were supplied from another in the same library.

Such was the glorious instrument by which
the rights of Englishmen were declared, ex-
plained, and confirmed. From this period
of our history, as from a pinnacle, we may
descry the promised land of liberty; we view,
at once, the more than Egyptian bondage
from whence this nation was delivered, and
the more than Roman privileges to which
she was entitled. This charter is a nobler,
a more express, and more extensive, instru-
ment of constitutional freedom, than any
people ever could boast of: it removes all
altercations, all doubts, concerning the com-
pact between king and people; for here that
contract is not understood only, but ex-
pressed; it is not loosely implied, but posi-
tively stipulated; it was obtained not by a
representation, but the collection, of Eng-
lishmen; and is, perhaps, the only instance

“ forgive. Moreover, all trespasses occasi-
“ oned by the said dissention, from Easter,
“ in the sixteenth year of our reign, till the
“ restoration of peace and tranquility, we
“ hereby entirely remit to all, both clergy
“ and laity, and, as far as in us lies, do ful-
“ ly forgive.

LXXVII. “ We have moreover granted
“ them our letters patents testimonial of Ste-
“ phen lord archbishop of Canterbury, Hen-
“ ry lord archbishop of Dublin, and the bi-
“ shops aforesaid, as also of master Pandulph,
“ for the security and concessions aforesaid.

LXXVIII. “ Wherefore we will and firm-
“ ly enjoin, that the church of England be
“ free, and that all men in our kingdom,
“ have and hold all the foresaid liberties,
“ rights, and concessions, truly and peace-
“ ably, freely and quietly, fully and wholly,
“ to themselves and their heirs, of us and
“ our heirs, in all things and places for ever,
“ as is aforesaid.

LXXIX. “ It is also sworn, as well on
“ our part, as on the part of the barons,
“ that all the things aforesaid shall faithfully
“ and sincerely be observed.

“ Given under our hand, in the presence
“ of the witnesses above-named, and
“ many others, in the meadow called
“ Runingmede, between Windelesfore
“ and Stanes, the 15th day of June, in
“ the 17th year of our reign.”

o--- “ So as we are first acquainted there-
“ with, or our justiciary, if we should not
“ be in England.

---o “ And in the same manner, about
“ administering justice, deafforesting the fo-
“ rests, or letting them continue.

÷ “ Either in England or Wales.

∴ “ For ever.----

on record, when a king talked and treated
with the whole body of his free subjects.

It is no wonder if the arts of ambition,
and the practices of power, sought to stifle
this fairest issue of liberty almost in its birth;
for, next reign, we find the most important
article it contains, its very spirit, its living
letter, cancelled. The barons under John, Precautions of
like men of sense, knew, that, where a power the barons.
is given, there ought a faculty to be given
for defending that power. Power, without
such a faculty, is precarious, and may be
seized by every rapacious grasp, when con-
science no longer awes, nor honour binds.
This they had, their fathers had, experien-
ced in repeated instances. They had seen
the Norman race break through the cob-
webs of oaths and promises; they had seen
them appeal to arms in all extreme cases,

A. D. 1215.

and, like the insolent Gauls, throw the sword, with all its implements, into the scale, as soon as power and right came to be weighed in the balance. For this reason it was that the English barons fixed not only the principle of resistance, but its very manner; they took from the most scrupulous all doubts with regard not only to the fitness, but the mode, of opposition. Five-and-twenty barons were chosen, and sworn to be the guardians of the public; and to compel the king, if he should invade the privileges mentioned in his charter, to do justice to his people. The other precautions taken for throwing the means of this coercion into the hands of those barons, are equally positive, ready, and express; there could be no mistake even with regard to the forms of their proceeding; and the whole is declarative of this doctrine, That the king may be compelled to fulfil his engagements with his people. But this would be an impious doctrine, had they not as clearly pointed out the nature, as they did the form and ends, of this compulsion. It is such as can be attended by no dissolution of government, by no convulsion of state. The worst consequence attending is, a temporary suspension of the regal power, when perverted to evil; No sooner is that evil redressed, than government resumes its former functions; the channels of public justice are cleared and enlarged; and the reciprocal duties between king and people, from being habitual, become natural.

Nature of the election of the five and twenty barons explained.

No doctrine of deposing or murdering kings countenanced by magna charta.

The doctrine of deposing, imprisoning, and murdering monarchs, is by this charter equally guarded against, as that of unlimited obedience even under the most intolerable acts of tyranny; nay, the mode of succession is religiously preserved; and we find a plain distinction laid down between the political and the personal character of the sovereign. In the latter, not only he, but his wife and children, were to be inviolable, and exempted from all the forms of justice. That the people have a privilege to invade those rights of the crown, which in any sense can be said to be communicated by heaven (for the power to do wrong never can devolve from God) is neither expressed nor implied in this charter. Even the punishment of children for the sins of their fathers, and the setting aside a whole race for the demerits of an individual, here finds no countenance.

Principles of magna charta explained.

The whole act rests upon two principles, that of resistance, and hereditary right; principles which long lurked in our constitution, but without being extinguished by all the shocks of civil commotion, the arts of base compliance, or the rage of lawless licence! But it was the spirit only that survived; the latter was stifled by the practices of courts, as we shall plainly prove in the course of our history; and I believe, that, for many ages, not ten men in England reflected, that there still remained the original charter which confirms and stipulates those two principles to the crown and the people of England. A paper indeed is inserted, under the title of

Magna Charta, in our law books; but how unlike to this I have now given is plain by inspection.

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It is evident, by mistaking these two principles, that our unhappy divisions have been founded, either party blindly imagining them to be irreconcilable. But the genius of our government dictated that to which pride, party, and passion were blind: for it is upon resistance and hereditary right that our present happy constitution now rests; and, while they are united, it rests upon a rock, which neither the power of sovereignty, the rage of ambition, nor the arts of faction can ever prevail against. Our forefathers, at the time I now describe, looked upon them not only as united but inseparable. They looked upon the object of their obedience to be an object of resistance upon every deviation into wrong; and, even when their resistance was exerted in facts, their obedience rested upon principle. This insensibly insinuated itself into the vitals of our constitution; and, at the time the late revolution took place, its force directed every step of the newly-modelled establishment. Had there still remained an object of resistance, there would of obedience; but the object of resistance no longer existing, neither did that of obedience. It was found that the throne of England was vacant through abdication; a case of political suicide, against which no provision had been, or could be, made. That the throne was abdicated without violence offered by the barons, or great council of England, is presumed in all their debates; it is the foundation of all their proceedings upon that important occasion. The link which bound allegiance and protection together, and which is so carefully preserved by the charter we have just now seen, was thereby unloosed, and the nation, in that case, was restored to that original and natural right of providing for its own safety which every people enjoys. But they still persevered in the plan delivered to them by their forefathers; no fundamental principle was altered, though some declaratory acts were indeed found necessary; and they fixed their allegiance upon the next branch of that stem which could give them legal protection. The same scheme of resistance and right continued, and the government of England is now founded upon both. How this great charter of king John came, in a few years to be extinct, is not, at present, my province to examine; but it will be seen, in the course of this history, that no mean was wanting, on the part of power, to abolish it out of the system of our civil government, by taking from it this wise, just, and necessary provision. It is true, the particular mode of resistance prescribed by this charter may, since that time, have become impracticable, nay, treasonable against the constitution; but that consideration never weakens the principle from whence it arises. It is upon that alone all I have said is founded, and to this it is to be referred. Ridiculous, therefore, are the modern altercations of parties, who

Source of division from mistaking the same.

Their great force at the time of the late revolution.

A.D. 1215.

A.D. 1215.

Twenty-five
barons ap-
pointed
guardians of
the rights and
liberties of the
nation.

who split into two factions that doctrine, which is, by the most august and most authoritative act ever granted or received, rendered inseparable, and interwoven so closely in the nature of our constitution, that, to hurt either, would abolish both, and end in absolute slavery, or unlimited anarchy.

It now remains that I should transmit the names of the first five and twenty barons who were on this occasion, appointed the guardians of the national rights. They were the earl of Clare, the earl of Albemarle, the earl of Glocester, the earl of Winchester, the earl of Hereford, earl Roger of Norfolk and Suffolk, earl Robert of Oxford, the

earl Marescall the younger, or William Marescall the younger, Robert Fitz-walter, senior, Gilbert de Clare, Eustachius de Vesci, Hugh Bigod, William de Munbray, alias Mowbray, the mayor of London, Gilbert de Laval, Robert de Ross, the constable of Chester, Richard de Perci, John Fitz-robert, William Mallet, Geoffrey de Say, Roger de Munbray, William de Huntingfield, Richard de Muntfichet, William de Albany. All these were solemnly sworn to see the articles in the great charter punctually fulfilled, as also those of the charter of forests, which is as follows :

The C H A R T E R of F O R E S T S,

Granted by king JOHN to his subjects in the year 1215.

JOHANNES Dei gratia, rex Angliæ, &c. Sciatis quod intuitu Dei et pro salute animæ nostræ et animarum antecessorum et successorum, ad exaltationem sanctæ ecclesiæ, et emendationem regni nostri; spontanea et bona voluntate nostra dedimus, et concessimus pro nobis et hæredibus nostris, has libertates subscriptas, habendas et tenendas in regno nostro Angliæ in perpetuum.

I. In primis omnes forestæ quas rex Henricus avus noster afforestavit, videantur per probos et legales Homines; et si boscum aliquem alium quam suum dominicum, afforestaverit ad damnum illius cujus boscus fuerit, statim deafforestetur. Et si boscum suum proprium afforestaverit, remaneat foresta, salva communia de herbagio et rebus aliis in eadem foresta, illis qui eam prius habere consueverunt.

II. Homines qui manent extra forestam, non veniant de cætero coram justiciariis nostris de foresta, per communes submonitiones; nisi sint in placito, vel plegii alicujus vel aliquorum qui attachiati sunt propter forestam: omnes autem bosci qui fuerunt afforestati per regem Richardum fratrem nostrum, statim deafforestentur; nisi fuerint dominici bosci nostri.

III. Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, et libere tenentes, qui boscos habent in foresta, habeant boscos suos sicut eos habuerunt tempore primæ coronationis prædicti regis Henrici avi nostri; ita quod quieti sint in perpetuum de omnibus purpresturis, vastis et assartis factis in illis boscis post illud tempus, usque ad principium secundi anni coronationis nostræ. Et qui de cætero vastum, purpresturam, vel assartum facient sine licentia nostra in illis boscis, de vastis, purpresturis, et assartis respondeant.

IV. Regar-

JOHN, by the grace of God, king of England, &c. Know ye, that, for the honour of God, and the health of our soul; and the souls of our ancestors and successors, and for the exaltation of Holy Church, and for the amendment of our kingdom, we have, of our free and good will, given and granted, for us and our heirs, these liberties hereafter specified, to be had and observed in our kingdom of England for ever.

I. " Imprimis, All the forests made by our grandfather king Henry, shall be viewed by honest and lawful men; and if he turned any other than his own woods into forests, to the damage of him whose wood it was, it shall forthwith be laid out again and disforested. And if he turned his own proper woods into forest, they shall remain so, saving the common of pasture, and other things in the said forest, to such as were formerly wont to have it.

II. Is the LII. and LV. of the great charter put into one chapter.

III. " The archbishops, bishops, abbots, earls, barons, knights, and free-tenants, who have woods in forests, shall have their woods as they had them at the time of the first coronation of our grandfather king Henry, so as they shall be discharged for ever of all purprestures, wastes and assarts made in those woods, after that time, to the beginning of the second year of our coronation; and those who, for the time to come, shall make waste, purpresture, or assart in those woods without our licence, shall answer for them.

IV. " Our

A.D. 1215.

IV. Regardatores nostri eant per forestas, ad faciendum regardum, sicut fieri consuevit tempore primæ coronationis prædicti regis Henrici avi nostri, et non aliter.

IV. " Our inspectors or viewers shall go through the forests, to make inspection, as it was wont to be at the time of the first coronation of our said grandfather king Henry, and not otherwise.

V. Inquisitio vel visus de expeditatione canum existentium in foresta de cætero fiat, quando fieri debet regardum; scilicet de tertio anno in tertium annum; et tunc fiat per visum et testimonium legalium hominum, et non aliter. Et ille cujus canis inventus fuerit tunc non expeditatus, pro misericordia detres solidos; et de cætero nullus bos capiatur pro expeditatione. Talis autem expeditatio fit per assisam communiter, quod tres ortelli ascendantur de pede anteriori sine poleta. Non expeditentur canes de cætero, nisi in locis ubi expeditari solent tempore primæ coronationis prædicti Henrici regis avi nostri.

V. " The inquisition, or view for lawing of dogs which are kept within the forest, for the future shall be when the view is made, that is, every three years, and then shall be done by the view and testimony of lawful men, and not otherwise; and he, whose dog at such time shall be found unlawed, shall be fined three shillings; and, for the future, no bull shall be taken for lawing. But such lawing shall be according to the common assize; namely, the three claws of the dog's fore-foot shall be cut off, or the ball of the foot taken out. And, from henceforward, dogs shall not be lawed, unless in such places where they were wont to be lawed in the time of king Henry our grandfather.

VI. Nullus forestarius vel bedellus, faciat de cætero scotallum, vel colligat garbas, vel avenam, vel bladum aliud, vel agnos, vel porcellos, nec aliquam collectam faciat; et per visum et sacramentum duodecim regardatorum, quando facient regardum, tot forestarii ponantur ad forestas custodiendas, quot ad illas custodiendas, rationabiliter viderint sufficere.

VI. " No forester, or bedel, for the future, shall make any ale-shots, or collect sheaves of corn, or hay, or any kind of grain, or lambs, or pigs; nor shall make any gathering whatsoever, but by the view and oath of twelve inspectors; and when they make their view, so many foresters shall be appointed to keep the forests as they shall reasonably think sufficient.

VII. Nullum suanimotum de cætero teneatur in regno nostro, nisi ter in anno; videlicet in principio quindecim dierum ante festum sancti Michaelis, quando agistatores veniunt ad agistandum dominicos boscos, et circa festum sancti Martini quando agistatores nostri debent accipere panagium suum. Et ad ista duo suanimota, convenient forestarii, viridarii, et agistatores; et nullus alius per districtionem. Et tertium suanimotum teneatur in initio XV dierum ante festum sancti Johannis Baptistæ pro fœnatione bestiarum nostrarum; et ad istum suanimotum convenient forestarii, viridarii, et non alii per districtionem.

VII. " No swainmote, for the time to come, shall be holden in our kingdom oftener than thrice a year; that is to say, in the beginning of fifteen days before Michaelmas, when the agisters come to agist the demesne woods; and about the feast of St. Martin, when our agisters are to receive their pannage; and in those two swainmotes, the foresters, verderers, and agisters shall meet, and no other, by compulsion or distress; and the third swainmote shall be holden in the beginning of the fifteen days before the feast of St. John Baptist, concerning the fawning of our does; and at this swainmote shall meet the foresters and verderers, and no others by compulsion.

VIII. Et præterea singulis quadraginta diebus, per totum annum convenient viridarii et forestarii ad videndum attachiamenta de foresta tam de viridi quam de venatione, per præsentationem ipsorum forestariorum, et coram ipsis attachientur: prædicta autem suanimota non teneantur, nisi in comitatibus in quibus teneri consueverunt.

VIII. " And furthermore, every forty days throughout the year, the verderers and foresters shall meet, to view the attachments of the forest, as well of vert as venison, by presentment of the foresters themselves; and they who committed the offences shall be forced to appear before them. But the aforesaid swainmotes shall be holden but in such counties as they were wont to be holden.

IX. Unusquisque liber homo agistet boscum suum in foresta pro voluntate sua, et habeat panagium suum.

IX. " Every freeman shall agist his wood in the forest at his pleasure, and shall receive his pannage.

X. Concedimus etiam quod unusquisque liber homo possit ducere porcos suos per dominicum boscum nostrum, libere et sine impedimento;

X. " We grant also, that every freeman may drive his hogs through our demesne woods, freely and without impediment, and

A. D. 1215. pedimento; et ad agistandum eos in boscis suis propriis, vel alibi ubi voluerit. Et si porci alicujus liberi hominis una nocte pernoctaverint in foresta nostra, non inde occasionetur, ita quod aliquid de suo perdat.

XI. Nullus de cætero amittat vitam vel membra pro venatione nostra; sed si aliquis captus fuerit et convictus de captione venationis, graviter redimatur, si habeat unde redimi possit, et si non unde redimi possit, jaceat in prisona nostra per annum unum et unum diem. Et si post annum unum et unum diem plegios invenire possit, exeat a prisona; sin autem, abjuret regnum nostrum Angliæ.

XII. Quicumque archiepiscopus, episcopus, comes vel baro veniens ad nos per mandatum nostrum, transierit per forestam nostram, licet illi capere unam vel duas bestias per visum forestarii si presens fuerit; sin autem, faciat cornari, ne videatur hoc furtive facere: item licet in redeundo idem eis facere, sicut prædictum est.

XIII. Unusquisque liber homo de cætero sine occasione, faciat in bosco suo vel in terra sua, quam habet in foresta molendinum, vivarium, stagnum, marleram, fossatum vel terram arabilem, extra co-opertum in terra arabili, ita quod non sit ad nocumentum alicujus vicini.

XIV. Unusquisque liber homo habeat in boscis suis ærias accipitrum, spervariorum, falconum, aquilarum et heronum; et habeant similiter mel quod inventum fuerit in boscis suis.

XV. Nullus forestarius de cætero, qui non sit forestarius de feudo, reddens firmam nobis pro balliva sua, capiat cheminagium, scilicet pro careta per dimidium annum, duos denarios, et per alium dimidium duos denarios; et pro equo, qui portat summagium, per dimidium annum, unum obolum, et per alium dimidium annum, unum obolum; et non nisi de illis, qui extra ballivam suam tanquam mercatores veniunt, per licentiam suam in ballivam suam, ad buscam, meiremium, corticem, vel carbonem emendum, et alias ducendum ad vendendum ubi voluerint. Et de nulla careta alia, vel summagio, aliquod cheminagium capiatur; non capiatur cheminagium, nisi in locis illis, ubi antiquitus capi solebat et debuit: illi autem qui portant super dorsum suum, buscam, corticem vel carbonem ad vendendum, quamvis inde vivant, nullum de cætero dent cheminagium de boscis aliorum; nullum detur cheminagium forestariis nostris præterquam de dominicis boscis nostris.

XVI. Omnes utlagati pro foresta a tempore regis Henrici avi nostri, usque ad primam coronationem nostram, veniant ad pacem sine impedimento, et salvos plegios in-

A. D. 1215. " and may agist them in his own woods, or elsewhere, as he will: and if the hogs of any freeman shall remain one night in our forests, he shall not be troubled, so as to lose any thing for it.

XI. " No man, for the time to come, shall lose life or limb for taking our venison; but if any one be seized and convicted of taking venison, he shall be grievously fined, if he hath wherewithal to pay; and, if he hath not, he shall lie in our prison a year and a day; and if, after that time, he can find sureties, he shall be released; if not, he shall abjure our realm of England.

XII. " It shall be lawful for every archbishop, bishop, earl, or baron, coming to us by our command, and passing through our forest, to take one or two deer, by view of the forester, if present; if not, he shall cause a horn to be sounded, lest he should seem to do this privately. Also, in their return, it shall be lawful for them to do the same thing.

XIII. " Every freeman, for the future, may erect a mill in his own wood, or upon his own land, which he hath in the forest; or make a warren, or pond, a marl-pit, or ditch, or turn it into arable, without the covert in the arable land, so as it be not to the detriment of any neighbour.

XIV. " Every freeman may have, in his woods, the ayries of hawks, of sparrows, hawks, falcons, eagles, and herons; and they shall have likewise the honey which shall be found in their woods.

XV. " No forester, for the future, who is not a forester in fee, paying us rent for his office, shall take cheminage; that is to say, for a cart two-pence during half a year, and for the other half year two-pence; and for a horse that carries burdens, for half a year a halfpenny, and for the other half year a halfpenny; and then only of those who come as buyers out of their bailiwick, to buy underwood, timber, bark, or charcoal, to carry it to sell in other places where they will. And, for the time to come, there shall be no cheminage taken for any other cart, or carriage-horse, unless in those places where anciently it was wont, and ought to be taken; but they who carry wood, bark, or coal upon their backs to sell, though they get their livelihood by it, shall, for the future, pay no cheminage for passage through the woods of other men. No cheminage shall be given to our foresters, but only in our own woods.

XVI. " All persons outlawed for offences committed in our forests, from the time of king Henry our grandfather until our first coronation, may reverse their outlawries without impediment; but shall

A. D. 1215. *veniant quod de cætero non forisfacient nobis de foresta nostra.*

" find pledges that, for the future, they
" will not forfeit to us in our forest. A. D. 1215.

XVII. Nullus castellanus vel alius teneat placitum de foresta five de viridi five de venatione; sed quilibet forestarius de feudo attachiet placita de foresta, tam de viridi quam de venatione, et ea præsentet viridariis provinciarum; et cum rotulata fuerint, et sub sigillis viridariorum inclusa, præsententur capitali forestario cum in partes illas venerit ad tenendum placita forestæ, et coram eo terminentur.

XVII. " No castellan, or other person, shall hold pleas of the forest, whether concerning vert or venison; but every forester in fee shall attach pleas of the forest, as well concerning vert as venison, and shall present the pleas or offences to the verderers of the several counties; and, when they shall be enrolled and sealed under the seals of the verderers, they shall be presented to the chief forester, when he shall come into those parts to hold pleas of the forest, and shall be determined before him.

XVIII. Omnes autem consuetudines prædictas et libertates, quas nos concessimus in regno tenendas, quantum ad nos pertinet erga nostros, omnes de regno nostro, tam laici quam clerici observent, quantum ad se pertinet erga suos.

XVIII. " And all the customs and liberties afore said, which we have granted to be holden in our kingdom, as much as belongs to us towards our vassals, all of our kingdom, as well laics as clerks, shall observe as much as belongs to them towards their vassals."

As the spirit of opposition generally prevails more strongly in those provinces the most remote from the seat of government, so the northern barons, at this present juncture (as I have already hinted) were of all others the most forward and active. The assistance of Alexander II. king of the Scots gave them great support. This young prince mounted the throne on the death of his father William; and, though but sixteen years of age, entered very readily into the confederacy of the barons. Besides his common motive as a subject of England, he retained the family resentment on account of the provinces dismembered (as they alledged, though wrongfully) from the crown. We find, in Mr. Rymer's collection, a letter from Alexander to John, implying, that he had sent delegates to the court of England, to take care of his concerns there; but these meeting only with evasive answers from John, it is highly probable that they entered, in their master's name, into close connection with the barons and the city of London.

The northern barons supported by Alexander II, king of the Scots.

Vol. i. p. 203.

The barons exercise acts of sovereignty.

It is extremely remarkable, though none of our historians have observed it, that about this time the barons took upon them to exercise acts of sovereignty. We find, in a collection of titles of writs, said to be carried from Scotland by (1) Edward I, a chart of the English barons, sent to the king of Scotland, against John king of England; another from the same persons to the citizens of London, to the same effect; and likewise a confederacy between the king of Scotland and the barons of England. As those writs are owned by the Scots to be lost soon af-

ter the restoration, without transcripts of them being retained, we have no opportunity to appeal to them for ascertaining their dates; but I apprehend they must be made out before granting the great charter. In the same collection we find a decree for giving the lands of Northumberland, Cumberland, and Westmoreland to the king of Scotland by the barons of England. A charter of the same sent to the free inhabitants of Carlisle against John king of England, concerning rendering Carlisle to the king of Scotland. A charter of the same sent to the tenants of Northumberland, Cumberland and Westmoreland, against John king of England, &c. A letter of the lord mayor and citizens of London sent to the king of Scotland against the said John. As to the four last writs, I am apt to believe their date to have been posterior to the great charter; and that they were issued in consequence of the powers assigned to the twenty-five barons: but of this I speak diffidently.

The barons give up the counties of Northumberland, Cumberland, and Westmoreland to the Scotch king.

But, notwithstanding the readiness with which John affected to grant the great charter, it is evident that he was meditating how to break or evade it, under pretence of its being extorted. He had invited into the kingdom a great number of foreign mercenaries, whose arrival he daily expected. This appears from a passage in a letter wrote by John at this time to pope Innocent (2). The barons were sensible of this, which made them the more eager and forward in their proceedings. It was not enough that they had obtained a charter; a more substantial security still remained to be given. The

(1) Carta barronum Angliæ missa regi Scotiæ, contra Joannem regem Angliæ. Carta eorundem et civium Londinensium, missa regi Scotiæ contra Joannem regem Angliæ. Confederatio inter regem Scotiæ et barrones Angliæ. Adjudicatio terrarum Northumbriæ, Cumblandiæ et Westmorlandiæ, per barrones Angliæ regi Scotiæ. Carta eorundem missa probis hominibus de Carlisle, contra Joannem regem Angliæ de civitate Carlisle reddendâ regi Scotiæ. Carta eorundem missa tenentibus de Northumbriâ, Cumbriâ et Westmorlandiâ, contra Joannem regem Angliæ, &c. Litera majoris et civium Londinensium missa regi Scotiæ contra dictum regem. Anderson's Essay, Append. numb. 26.

(2) Mandavimus gentem copiosam de terris extraneorum ad succursum terræ nostræ. Lit. Joh. R. Papæ apud Rymer, vol. i. p. 200.

A. D. 1215. form of a convention was drawn up, between the king and the barons, to the following purpose:

A convention entered into between king John and the barons, &c. Rymer, vol. i. p. 201.

"First, That the said barons should hold the city of London; but with a saving of all the king's revenues and debts within the same, to the term of the assumption of the Blessed Virgin the year following. And the archbishop of Canterbury shall, in like manner, hold of the king the tower of London to the foresaid term. And also that the king shall not put a guard, or other forces, in the said city, or in the tower of London. That the oaths be also tendered, within the term limited, to the twenty-five barons throughout all England, as is contained in the charter granted concerning the liberties and security of the realm; or to the attornies of the twenty-five barons, as is contained in the letters granted concerning the election of twelve knights, for abolishing bad practices concerning the forests and others. And besides, all other demands within the said term, which the earls, barons, and other free inhabitants do ask of the king, which he himself has declared to be granted to them, or which, by the twenty-five barons, or the major part of them, shall be judged proper to be granted, are to be given according to the tenor of the said charter. And if these things shall be performed, or if the king, on his part, shall agree to perform within the time limited, then the city and tower of London were forthwith to be delivered up to the king; saving always to the said city their liberties and immunities, as said is. And, on the other hand, if these things be not performed, and that the king, on his part, fail within the time limited, then the barons shall hold the said city, and the archbishop the tower of London, until the foresaid article be fulfilled. And, in the mean time, both parties shall recover the lands, castles, and towns which they were in possession of in the beginning of the war which broke out between the king and the barons."

This remarkable convention was followed by other proper acts, under John's hand, directed to all his sheriffs, bailiffs, and other officers throughout England, to swear to the performance of the great charter, and to the twenty-five barons, or their attornies. For compelling the king to its due observance, twelve knights likewise were ordered to be chosen in every county, for holding an inquisition into all the mismanagements of the public reveuues, and in the execution of justice. Letters of indemnification and amnesty were likewise issued by the king, for immediately setting at liberty all prisoners, hostages, and others, who had been bound or detained on account of the late

troubles. Nay, we find that the precepts directed for appointing twelve knights of inquisition in each county imply, that, without delay, they should seize the lands, tenements, and chattles of all those, in the county of Warwick, who should refuse to swear to the twenty-five barons, or their attornies, and to detain them until they did swear; it having been thus established by the judgment of the archbishop of Canterbury and the barons of the kingdom (1). Thus every thing seemed to assume a new face, and a sincere coalition between John and his nobility was on both sides pretended.

But the foreign mercenaries about John King John, insinuating, that for a king to grant ought to over-ruled by his subjects, especially on compulsion, was foreign mercenaries, shameful; and John's mind being too strongly bent to the same opinion, he resolved to breaks his risk all rather than preserve his faith. The faith with his castle of Nottingham was then in the hands of one Philip Mark a Ponteville: several subjects. other foreigners likewise commanded in other castles.

Matthew Paris elegantly observes, that it is easy to move what fluctuates, and to precipitate into actual commission of wickedness whatever is of itself prone to evil (2). John sent private orders to those foreigners for victualling and fortifying the castles in their possession; but so as that their proceedings might not come to the knowledge of the barons.

But the latter were either too vigilant, or the others too incautious. The barons either heard or suspected John's design: they sent a deputation of their number to sound him. The barons send a deputation to the king. Our author describes the perplexities of John's mind at this time in a very lively manner. The gnashing of his teeth, the starts of his passion, his extravagant exclamings, and his insane actions demonstrated a mind under all the agonies of contending passions. However, as he was a complete master of dissimulation, when the deputies laid before him their commission, he swore by the feet of God (which was his usual oath) that he meant them no harm. His usual oath and dissimulation. But his inward sentiments were too strongly painted on his features, and his averfeness to the barons, had got too deep possession of his spirit for the deputies to believe him sincere. His dissimulation discovered itself by a thousand involuntary indications, and they left his court full of doubt and dissatisfaction.

John read their sentiments more plainly than they did his. No sooner were they gone, than he prepared to set out from Windsor, where he had no more than seven knights attending him, for the isle of Wight. He sets out from Windsor for the Isle of Wight with seven knights.

This resolution he put in practice before day-light. As soon as he arrived in that isle, he publicly renounced all the obligations he had entered into with his subjects. He then dispatched Pandulph, who had remained about his person, to the pope,

(1) Et si jurare noluerint statim post quindecim dies completos preterquam terræ et tenementa et catalla eorum in manu nostrâ saisita fuerint, omnia catalla sua vendi faciatis, et denarios inde perceptos salvos custodiatis deputandos subsidio terræ sanctæ. Terras autem et tenementa eorum in manu nostrâ teneatis quousque juraverint, et hoc provissum est per judicium domini Cantuariensis archiepiscopi et barronum regni nostri. Brady, Append. numb. 119.

(2) Leve est enim fluctuantem movere, et proclivum ad mala, ad flagitia precipitare. Matt. Paris, p. 183.

A. D. 1215.

John applies
to the pope,
and invites
mercenaries
into England.

to solicit from his holiness an absolution of all his engagements with his barons. He sent his chancellor, the bishop of Worcester, with the bishop of Norwich, and several others, to solicit foreign aids, with the most inviting promises to all who should embark in the expedition with him against his barons. It was not their reduction, but their extermination, which he had in his eye at this time: for not only soldiers were invited, but inhabitants (men, women and children) for peopling the land anew. What his success was, we shall see hereafter.

But I am apt to believe, that the conduct of some of the barons, the northern especially, at this juncture, gave the king great advantages. The hearts of his subjects in general, hearing of his granting the great charter, and then of his suddenly leaving his palace in this mean, abject manner, were perhaps touched with compassion for his fallen estate. The northern barons might, by their conduct, improve this compassion into indignation; for, notwithstanding all John's concessions, he still remained a king, and a powerful one too. His feudal rights, though explained, were but little diminished, and no part of the great demesne of the crown had been affected. His officers had the same executive powers as before, in all matters of distributive justice, and collection of the revenue. But the northern barons, and perhaps some of the southern too, according to Walter of Coventry, with unpardonable licentiousness, abused the royal officers within their several fees, and, shamelessly pretending that they had not given their consents to the late charter, they continued their plunderings as in the time of a civil war. These enormities, no doubt, were encouraged by their dependance on the king of the Scots, and had a fatal effect on the tranquility of England: for the king remained in the isle of Wight in a very private manner, and sometimes plied about the sea-coasts, where, by his assiduity and affability, he got a great many of the seamen over to his interest.

The barons, who remained at London, were alarmed at this conduct; but had not yet sufficient grounds, from any overt acts of

the king against the late charter, for rising in arms. They had ordered a tournament for warlike exercises, to be held at Stamford; but appointed it now to be held between Staines and Hounslow, lest they should lose the city of London, being too far absent from it, as is expressed in a letter from Fitzwalter to William de Albiney, a soldier of great reputation.

In the mean time, Pandulph, with John's ambassadors, had all the success they could desire at the court of Rome. The pope, enraged to the last degree at the barons, swore by St. Peter, that the injury they had done their king should not go unpunished. He then, after a short consultation with his conclave, damned and castigated for ever, by a definitive sentence, all the engagements that had been entered into between the king and his barons, the great charter especially (1). He likewise wrote a letter to the barons, in a sharp imperious manner, threatening them with all the thunders of the church if they did not return to their obedience as before. These instruments are to be seen at large in Matthew Paris, and it is of no importance here to transcribe any part of them. But they fell like thunder-bolts on the barons of England, who, far from suspecting any such management, were indulging themselves in festival solemnities on the happy conclusion of the late peace. Their first measure was to send for William de Albiney, who was then at his castle of Beauvois. This nobleman, with some reluctance, obeyed their summons, after putting his castle in a proper posture of defence. Their first deliberation was to secure the city of London, which was the soul of all their hopes, and to strengthen themselves by an additional number of forces. The clergy, who had been instrumental in composing the late troubles, and equally abhorrent of the encroachments of prerogative, and the abuse of privilege, saw this appearance of renewing the civil war with the utmost concern. They mediated, with indefatigable pains, between the barons and the king. They knew that both parties had but too good reason to complain. The king had expressly broken the tenor of the great charter, by his ap-

A. D. 1215.

Pandulph,
with John's
ambassadors,
succeed at
Rome.

The northern
barons abuse
the royal of-
ficers.

The barons
send for Wil-
liam de Al-
biney, and
fortify the
city of Lon-
don.

The clergy
mediate be-
tween the
king and ba-
rons.

(1) That we may represent, with all imaginable impartiality, what was said by John himself and his agents against the proceedings of the barons, and has been adopted by later authors, it is necessary, from Dr. Brady, to recapitulate the several steps said to be taken by both parties before the granting of the great charter. As those facts rest entirely on the credit of John and his emissaries, who to be sure would stick at nothing to make their plea plausible at Rome, we could not venture to insert them in the body of the history, but shall here, with this observation, that, admitting all that is said to be true, they very little affect the credit of the barons, as I have represented it. "Before we speak, says Dr. Brady, it is necessary to take notice of some precedent records which it refers to, not to be found in the historians. After the barons had appeared in a warlike posture before the king at Christmas (as has been related), and made their demands of the liberties they required of him, he gave the pope notice of it, who, upon the 19th of March following, wrote to the archbishop and his suffragans, or the bishops of his province, and the barons, that they raised new questions and controversies against the king, such as were not heard of in the time of his father or brethren; that they should not enter into conspiracies against him, but humbly and dutifully apply themselves to him, and perform their accustomed services, which were due and had been performed by their predecessors to him and his predecessors; upon which he would enjoin him, upon the remission of his sins, to deal mildly with his nobles, and admit their just petitions. On the 10th of May next following, he published a declaration, that he would not take the barons or their men (that is, their tenants) nor dispossess them, nor pass upon them by force and arms; but by the law of the land, and the judgment of their peers in his court; while things should be determined by four to be chosen on his part, and four by the barons, and the pope to be umpire; and for the performance of this, he offered as security the bishops of London, Worcester, Chester, Rochelle, and William earl Warren. On the 29th of May following, king John wrote to the pope, that the archbishop of Canterbury and his suffragans had neglected his commands, and that the great men and the barons altogether refused to hear what he wrote. And attending what the barons said, he replied to them, that England was the patrimony of St. Peter, and that he held it as the patrimony of St. Peter, the church of Rome and the pope, and had taken upon him the crusade, and required the privilege of such who had taken upon them that expedition: and, after having recounted the effects of his former offers to the barons and bishops, upon which he could obtain no remedy, he refers himself to the pope's discretion to relieve him."

A.D. 1215.

plication to the pope, by his inviting over foreigners, by the distrust he had shewn of his people, and the orders he had given for fortifying his castles against the barons. The northern barons, on the other hand, as we have already seen, had, without John's giving them any justifiable ground, and indeed in contempt of the great charter itself, committed vast havock upon the king's houses, parks, and forests, which John violently complained of. At last, by the unwearied endeavours of the bishops, a conference was appointed to be held between John and his barons at Oxford; but, on the appointed day, the king declined the meeting. His pretence was, that being abandoned of all, and greatly injured without receiving any satisfaction, he had no refuge left, nor could he think it safe to trust his person at a conference which was to be held by such a formidable number of his enemies. This excuse was presented to the barons, who had then assembled with a great army at Brackley, to proceed from thence for Oxford. The messenger who delivered it, at the same time produced the pope's brief of excommunication against all who should dare to resist the king. But we learn, from Walter of Coventry, it was not then promulgated; for the bishops undertook a fresh mediation between the king and the barons. For this purpose they set out for Portsmouth, while the barons returned to London. John was going aboard a ship at Portsmouth, to sail from Dover, when the bishops arrived. He had, by this time, received strong assurances from abroad, of supplies more than sufficient for enabling him to give laws to his barons; he therefore refused to hearken to any terms; and all that the prelates could compass was, that he should send some of his domestics to make protestation to an assembly of the barons, that it was not his fault if the peace lately concluded was not observed.

John goes aboard a ship for Dover,

and refuses to hearken to any terms.

The bishops pronounce the pope's sentence of excommunication against the barons, &c.

Vol. i. p. 208.

About the middle of August, the bishops returned to meet the barons at a conference at Staines, where they reported the success of their mediation, and pronounced sentence of excommunication against all who should presume to disturb the peace of the king and kingdom. But this sentence I take not to be the same with that which is inserted in Mr. Rymer's collections, under the title of A general excommunication; for that seems to have been pronounced afterwards. But though, perhaps, the barons would not have regarded it, had it been more special, it had very little effect on the minds of the assembly: they loudly remonstrated, that the king himself was the breaker of the peace; and returned to London, to consult the proper dispositions for resisting the storm which they saw was ready to break upon them from the crown.

Albiny sent to hold the castle of Rochester on the part of the barons.

Their first care was to fortify all the avenues to the city; and then William de Albiny, with a strong detachment, was sent to command in the castle of Rochester, which had been restored by John to the archbishop of Canterbury, as part of his archiepiscopal fee. They next cantoned out, into several

governments, those places of the kingdom where their power reached. The government of Essex was committed to Geoffrey de Mandeville, that of Northampton to Robert Fitz-walter, whilst Roger de Cressy undertook the custody of Norfolk and Suffolk; as Saer de Quincey did that of Cambridge and Huntingdonshire, William de Albiny that of Lincolnshire, and Robert de Ros the government of Northumberland. Each of those noblemen were vested with power to act as justiciaries both in military and criminal matters, within the precincts assigned to them.

A.D. 1215.

When William de Albiny went to take possession of the castle of Rochester, he found it destitute of every thing necessary for making a vigorous defence. But as the barons had sworn solemnly upon the holy evangel, that they would attempt to raise the siege, should John sit down before the castle, he entered it with great resolution, though many of his associates stole away on seeing its untenable state.

He found it defenceless;

but the barons swear to relieve him.

John was now at Dover, and had received a strong reinforcement of foreigners. Being thus in a condition to take the field sooner than the barons could, he set out directly, with all expedition, to besiege Rochester. Albiny, trusting to be relieved, made a vigorous defence, notwithstanding John had applied all the machines then in use, either for battering or storming the place. He was attended by a prodigious army from Poictou, Gascoigny, Louvain, Brabant, and Flanders, all commanded by soldiers of fortune, and all of them already, in imagination, masters of the foil, wealth, and liberties of England. Had not providence interposed, in all human probability, their wishes must have been gratified; but, while John was intent on the siege of the castle of Rochester, he received information, that one of his commanders, Hugh de Beauvois, having embarked with forty thousand men from Calais and the adjacent ports, had perished in a storm with all under his command. This Hugh de Beauvois is noted in history for all manner of cruelty and vice, and was a man extremely fit for John's purposes. The account of this lamentable shipwreck gave the king inexpressible disquiet; but he was still at the head of a power sufficient to take the place. Fitz-walter and the Londoners, in consequence of their promise, marched indeed as far as Deptford, with a resolution to relieve it; but, for what cause is not known, they shamefully returned to London, without proceeding farther. The siege, in the mean time, proceeded with all imaginable vigour, and the resistance on the side of the besieged was amazing. An incident happened in the course of this siege, which well confirms what I have observed in general with regard to the principles of the barons in their opposition to the king, and is a noble instance of virtue in Albiny himself: for John, and one of his principal officers, reconnoitering the place, John's person was known by an excellent marksman (an engineer) within the castle. "Sir, said

Hugh de Beauvois, with 40,000 foreigners, coming to the assistance of king John, perished in a storm as he set out from Calais.

Albiny saves king John's life, when an engineer in Rochester castle would have killed him.

A. D. 1215. "this engineer to William de Albiney, I have a dart here ready in my hand, is it your pleasure that I pierce with it the heart of the king?" "By no means, replied Albiney; thou wretch! far be it from me to seek the death of the Lord's anointed."

Rochester castle surrendered on St. Andrew's day, the 30th of November.

Albiney sent prisoner to Corf castle.

At last, all their provisions within the castle being spent, their very horses eaten up, the walls either battered down or undermined, they were obliged to surrender; which they did on St. Andrew's day, the 30th of November. John, irritated by their brave resistance, was ignoble enough to order Albiney and all the garrison to be put to death, notwithstanding he had been informed of the generous part which Albiney had acted in sparing his life from the walls. But Savary de Mallion, the same general officer who had attended him on that occasion, and several other officers, remonstrated strongly against so cruel and unpolitic a proceeding, and at last prevailed with him to spare the lives of the principal officers. Upon this, Albiney himself, and those of the greatest note, were sent prisoners to Corf castle; but all the rest of the garrison, except the cross-bow-men, were hanged over the walls of the place. The barons, in the mean while, were not idle, though unsuccessful; they besieged the king's garrisons in Oxford and Northampton; but being destitute of proper engines, they miscarried in both attempts. It is to this period we are to fix the suspension of the archbishop of Canterbury; for we are told, that the pope, finding the barons proceeded in their war against John, declared them all excommunicated in general, but without any specification of their persons.

Contents of the bull of excommunication.

The bull of excommunication was directed to the archbishop of Canterbury, and other bishops, who were enjoined upon their obedience, "That they should cause the sentence to be published every Lord's day and holliday, and that with ringing of bells and lighting of candles throughout all England, until the barons satisfied the king for the injuries done to him, and returned to their obedience." This order being intimated to the archbishop by Pandulph and the bishop of Winchester, he answered, That he himself was then going to Rome, where he would inform the pope of the true state of the case; because he strongly suspected that his holiness had been imposed upon in point of fact, and therefore begged leave to be excused from any promulgation, till such time as he had more truly informed him. Upon this, Pandulph and the bishop suspended him from the exercise of all clerical offices, and proceeded to promulgate the excommunication against the barons in terms of the bull. The archbishop, however, held on his journey to Rome; but there he found the pope so much prepossessed against him, that his sentence of suspension was confirmed, and sent over to England.

John was at St. Albans when this confirmation came to his hands, and he did not fail to make it as public as possible. The

northern barons all this time appear to have continued their enormities, conscious that they had given reasons for both parties to hold them in enmity. John, therefore, at St. Albans, called together a council of war, consisting of his mercenary foreign officers, with a few English, particularly the earl of Salisbury, who had by this time been ransomed, and still adhered to the king's fortunes. In this council it was resolved, that the royal army should be divided into two bodies; the one, under the command of the earl of Salisbury, Fowkes de Brent, Savary de Mallion, William de Briwere, and Walter Buck, were to be left to make head against the barons who were in possession of London; while John was to march northwards with the other. This latter division consisted all of veteran Brabans, soldiers of fortune, and sons of plunder; wherever they came, they left the traces of their progress in devastations, plunderings, burnings, and murder. The houses of the barons especially were destroyed; no place was sacred enough to protect the wretched inhabitants from torments, for which, nothing but money, and a discovery of their effects, could compensate. The barons, having each a separate district to command, had taken no precaution for uniting in case of common danger.

John holds a council of war of foreign officers at St. Albans, and divides his army into two bodies.

The barons houses burnt and plundered.

John's army was numerous, brave, and experienced; their progress was suitable, and the resistance they met with but feeble. Most of the smaller castles were abandoned by the rulers and governors, who took refuge in places of greater strength; while the king, garrisoning their houses, marched to Nottingham.

The king's army successful in the north and south against the barons.

Affairs in the south were likewise in the utmost confusion. The king's generals there soon made themselves masters of the counties of Essex, Middlesex, Cambridge, and Huntingdon. They put strong garrisons into the castles of Windsor, Hertford, and Berkhamstead, and made such dispositions as were most likely to cut off all provisions from the city of London, which was still held by the barons. The earl of Clare's castle at Tunbridge was likewise taken, together with that of Bedford, by Fowkes de Brent, at the head of the garrison of Rochester; and many other places of smaller consideration, were reduced to the king's power.

Clare castle at Tunbridge taken.

The barons, in return, treated the pope with the utmost indignation; reproaching the see of Rome, on all occasions, with the conduct of this dear son of the pope, who protected and encouraged him in his attempts to subdue and enslave a brave, free people. At last, a strong body of them marched from London into Cambridgeshire, where they took that castle and the town, and severely revenged, upon the king's adherents, all that their own friends had suffered from him. They next marched into Norfolk and Suffolk, and, after plundering all the other party in those counties, obliged the city of Norwich to pay them a large contribution. From thence they proceeded towards the sea-coasts, where John's friends chiefly

Farther progress of the barons.

The archbishop of Canterbury suspended from all clerical offices, and his suspension confirmed by the pope.

A. D. 1216. chiefly lay; there they took Yarmouth and Ipswich, and obliged the inhabitants to pay them a large contribution. They next made themselves masters of Colchester, Hertford, and Berkhamstead, with all the adjacent country.

Belvoir castle taken by John.

Daventon castle destroyed.

John still continued at Nottingham, where he kept his Christmas; and, notwithstanding the season, he summoned Albinsey's castle of Belvoir in Lincolnshire to surrender; threatening, if the garrison should refuse to comply, that he would starve its master to death. The garrison, alarmed at the danger of their lord, immediately capitulated, after stipulating for indemnity and the enjoyment of their estates, both which John confirmed to them by charter. The like success the king had against Daventon castle, which he ordered to be razed to the ground. The sword of his mercenary army was then let loose in all the northern parts; and the cruelties related by our authors to have been committed against the wretched inhabitants, seem to have surpassed the wickedness of human nature so much, that they are unfit for human ears: I shall therefore leave them to imagination, which can never paint them so gross as our historians have described them.

Reflection.

It is amazing with what facility John over-run all this tract of country, so averse to his person, so dissatisfied with his power. The confederated barons all this time remained at London, which was the main object of their concern. The truth is, the conduct of the northern barons had been such, as plainly discovered them to have been not only dissatisfied with the king's administration, but disaffected to his person and family; or rather, they opposed not for enjoyment of right, but for impunity in licentiousness. This, as we have seen by the stipulations of the magna charta, was far from being the case of those barons, who opposed upon principles of regulated liberty. Those principles were equally repugnant to rebellion and anarchy, as they were to oppression and tyranny; and though no regard for their own safety had taken place, yet the plan they had laid down would not suffer them to afford support to the early extravagances of the northern barons. This tenderness proved fatal to the common cause. It enabled John to reduce all the north, where he divided the lands and possessions of the rebels among his trusty followers. Hugh de Baliul and Philip de Hulecotes had charge of all the lands which lie to the north of the river Teyse to the borders of Scotland, with a proper force. Robert de Viepont, Brian de Lisle, and Geoffrey de Lucy commanded the lands and castles in Yorkshire. To William earl of Albemarle he gave the castles of Rockingham and Bitham. To Fowkes de Brent he gave the custody of the castles of Oxford, Northampton, Bedford, and Cambridge; the castle of Hertford he committed to Walter de Godarville, a knight and retainer of Fowkes; and to Ranulph the German, the castle of Berkhamstead. Daily success gave John daily recruits of foreign

mercenaries; and his generals had orders to proceed, on pain of his displeasure, against all the estates and effects of the barons, as they would against those of his declared enemies.

The English were now on the point of losing their newly-recovered freedom, the sweetness of which they had but just tasted; a circumstance which must have made its loss the more insupportable. But Alexander the young king of the Scots was then at the head of a people who knew that their own safety depended on checking the progress of John.

Alexander himself was a prince of great spirit, and had a true knowledge of his own interest. He thought he had been ill used by John, upon whom he had vast demands, and he had even entered into the views of the more moderate barons. His court, at this time, was crowded with the noblemen and others, whom John's barbarity had driven from their native seats: he received daily applications from the southern barons in the city of London, conjuring him, mindful of his own dignity, not only as a king, but as the first English baron, to advance to the assistance of the common cause, now ready to sink under the arms of its oppressors. Alexander was not backward in taking the field; but he first demanded an oath of homage from the barons and all the military tenants of those English counties to which he laid claim. This was performed with great readiness, and then Alexander advanced with his army to Northumberland, the barons of which renewed to him their oath of homage. But John, alarmed at this progress, put himself at the head of a strong army, and again fell into Yorkshire, with an intention to penetrate into Scotland, that he might force Alexander to recall his arms to the defence of his regal dominions. The latter, at this time, was at Melrose, where the Yorkshire barons repaired to avoid the fury of John, who had now renewed his ravages on their estates. Some of them, before their retreat, had voluntarily destroyed their houses, granaries, and whatever could afford subsistence or shelter to the king's army. But John pursued them with irresistible fury; and, after burning the towns of Wark, Alnwick, and Morpeth, he marched to Scotland itself, where he took the castle of Roxburgh, with that of Berwick, till then deemed impregnable. From thence he proceeded, with all the fury which revenge could suggest, and all the barbarities which mercenaries could inflict, to the southern parts of Scotland, where he burned Haddington, and Dunbar, with other towns, and plundered the abbey of Coldingham, laying the whole face of the country desert and desolate; using, says Matthew Paris, this expression, "It is thus that we shall hunt the little red fox out of his holes;" alluding to the complexion of Alexander, who was red haired. John was the more keen in this expedition, as he knew that, if he could disable or reduce the king

A. D. 1216.

Character of Alexander king of Scots;

He sides with the barons,

demands an oath of homage,

and advances to Northumberland castle, which yields.

John lays waste the northern counties.

He enters Scotland, and his barbarities there.

king

John subdues the northern provinces, and divides the lands among his followers, &c.

A.D. 1216.

king of the Scots, all England must fall a prey to his arms. He therefore intended to advance towards the river Esk, with a design, probably, to attack Edinburgh; but he received a seasonable check from Alexander. For that prince, after doing all he could to secure his interest in Northumberland, returned to his own country, where his first care was to secure his capital, and to raise such an army as might oppose John in the field. This he speedily effected, and took up his ground so advantageously, with the river Esk in his front, that John durst not venture to proceed. Buchanan, and the Scotch historians, place the burning of Berwick and Coldingham as having happened in John's retreat. I am inclined to believe they are in the right, since all accounts agree that John durst not venture a battle, but made a hasty retreat. It is highly probable that, during all this expedition, his army was supplied with provisions from his fleet, as we still find him marching close by the sea-side, and as it will otherwise be difficult to account how two great armies could subsist in a country not only barren by nature, but desolated either through precaution or enmity.

He advances as far as the river Esk in Scotland, in order to attack Edinburgh;

but is prevented by Alexander.

Conjecture.

John, in his retreat, burns Coldingham abbey and the town of Berwick.

Alexander king of Scots advances as far as Richmond in Yorkshire; and, in his return, takes and fortifies Carlisle.

The king of the Scots, strengthened by numbers of the English who had taken refuge in his army, pursued his flying enemy. But John, who retreated with great precipitation, burned the abbey of Coldingham, together with the town of Berwick, from which he withdrew his garrison; he himself, in his own person, instructing his mercenaries in acts of barbarity, administering torches even to the houses within which he had lodged.

It appears that this desolation had its designed effects, by preventing Alexander's pursuit; for that prince, instead of following John, marched to the westward, and penetrated as far as Carlisle, treating all the adherents of John with as much severity and cruelty as had been inflicted on his own friends and subjects. He then marched through Northumberland, and advanced as far as Richmond; but the misery of the country not affording subsistence to his troops, he was unable either to continue his march, or to reduce the castles of that country, which were held by John's officers. He was therefore obliged to return to Scotland through Westmoreland; but in his march he took and fortified Carlisle.

In the mean time John's party in the north was so strong, that only two castles in all Yorkshire remained in the hands of the barons; that of Mount Sorrel, and another belonging to Robert de Ros. This security gave him leisure to turn his arms against Wales, where he ravaged and plundered the estates of all who had favoured the barons; the latter being in no condition to make head. John then put garrisons into all the castles which fell into his hands, and made dispositions for attacking the city of London itself. In this he was greatly favoured by the pope, who now sent his brief to the abbot of Abingdon, the archdeacon of Poictou,

John turns his arms against Wales,

and garrisons castles.

and Mr. Robert official of Norwich, for a special excommunication of all the opposing barons. No fewer than thirty barons are named in the brief, who are nominally excommunicated, besides the city of London, with all the barons who opposed king John, or hindered any one from coming to his assistance. Copies of this brief were communicated by the commissioners, to be published throughout all England by the bishops and clergy; but the latter had the virtue to disregard it, as obtained by false suggestions. The excommunication, therefore, had very little effect on the minds of the nobility in general; and was so far from intimidating, that it determined the barons in the city of London more than ever in their resistance. But the force of excommunication, joined to the progress of John's arms, seems to have had a strong effect on the minds of the vulgar; for, about this time, his generals made themselves masters of the isle of Ely, in which great numbers of the party of the barons had taken refuge, with all their effects. These were treated with the same barbarity as the rest of his enemies had been by John and his mercenaries, the cathedral alone being redeemed from the flames by the ransom of upwards of one hundred marks paid by the prior. This blow seems to have then put an end to all the hopes of the barons.

Thirty barons excommunicated by the pope's brief, with the city of London.

The clergy disregard the brief.

John's generals take the isle of Ely,

the cathedral of which is ransomed for 100 marks.

Necessity knows no law; the extreme of misery admits of no addition; the first supercedes property itself, and the latter even justifies despair. Common conflagration often can be extinguished only by taking from it its fuel, though to the ruin of individuals, whose private sufferings are forgot in the general safety. Parallel cases may happen in matters of government, of which the period I now describe is a pregnant instance. The iron hand of necessity dissolved the bonds which jealous liberty and true policy had knit; human feeling overcame human precaution; nor has there ever been a constitution, however wisely founded, however strongly guarded, which did not, at some time, ply under the pressure of this most formidable of all tyrants. Instructive check to the pride of man! by suffering, to fit him for command; by humiliation, to teach him how to rise; and by disappointment, how to succeed.

The boasted precautions in the great charter were now vanished into smoke, and all the cares of the barons were swallowed up, or superseded, in that first principle of all human beings, self-preservation. Submission to John would have been death itself, embittered with shame and slavery. In this inconceivable anguish of mind, they had recourse to an expedient, that nothing but the considerations I have just now suggested can justify; which was, to apply for safety and protection to a foreign prince. Many reasons determined them to fix upon Lewis, the son of Philip king of France; but the chief was, because John's mercenaries were principally composed of that prince's subjects, or those of his vassals. They therefore imagined, that no sooner should Lewis declare in their favour,

The measures the barons took.

They fix upon, and send for, Lewis, son to the king of France.

A.D. 1216.

favour, than John would be abandoned by his strongest support. Add to this, that Lewis himself, in right of blood, was not without pretensions to the crown of England. After some consultation, therefore, Robert Fitz-walter, and Saheer earl of Winchester, were sent as deputies for the barons, to engage the king of France to suffer his son to come and take upon him the crown of England. Philip, with secret satisfaction, perused the credentials of the deputies; but told them, with some coldness, that he would examine their proposal. He afterwards acquainted them, that he never would suffer his son to pass the seas, unless the barons should put into his hands four-and-twenty of the noblest personages in the kingdom as hostages for their fidelity; and this he insisted upon as a previous measure.

Philip demands twenty-four hostages of the English,

which is agreed to.

The deputies, who perhaps were instructed on this head, agreed to the demand, and the conferences went on; but Philip found he had a delicate point to manage. The truce which he had entered into with John, had yet five years to run; and the part the pope was acting throughout all Christendom against the barons, put him under great perplexities. At last he resolved that his son should affect an independence upon him, and that he should manage so as that their interests might appear to be separate, even by counter-working one another in some immaterial points. This was the more plausible, as Lewis had been, for some years, master of his own estate. Upon the arrival, therefore of the hostages, who were sent under a guard to Campaign, Lewis gave the deputies assurances that he would pass over into England. In the mean time, he sent over, perhaps along with the deputies, the castellans of St. Omers and Arras, Hugh Chacun, Eustace de Neville, Giles de Melun, with several other noblemen of France, and a great number of soldiers. These noblemen had orders to confer with the barons concerning the operations of the approaching campaign, and to prepare every thing for the reception of the French prince.

Philip sends French noblemen to England, to confer with the barons, and to concert the measures for the campaign.

Conjecture.

Accordingly they came up the Thames, and were received in London, on the 27th of February, with great joy. As to the soldiers they brought along with them, there is reason for believing, that they were put into garrison in those castles which still remained in the barons hands.

John besieges Colchester castle, which surrenders on conditions.

For John, informed of the engagements entered into between his nobility and the French court, now laid siege to Colchester, which was defended by a garrison, for the most part French. In a few days the latter basely delivered up the place to the earl of Salisbury, John's general, who swore to the performance of the capitulation, which was, That the French should have liberty to retire home, with their baggage; and that the English should be dismissed for ransom. But John, with innate perfidy, fulfilled those conditions only to the French; the English he not only detained, but put in irons. As to the French, they came to London, where

John's treachery to the garrison.

they narrowly escaped meeting the reward of treachery and cowardice. They were, however, confined in prison, till the will of Lewis, who was expected every day, should be known. The castle of Hedingham, belonging to the earl of Oxford, next fell into John's hands. Those and other successes encouraged him to think of forming the siege of London: for, having gratified his mercenaries with the spoils of his own country, he advanced against his capital; while he ordered a fleet of sixty-five sail, which, according to our authors, had been long exercised in acts of piracy, to block up the mouth of the river Thames. But London, at that time, was both so powerful and so populous, that the inhabitants boldly threw open their gates, without John daring to attack their city. Savory de Malleon, however, one of his mercenary generals, advancing with a party too near the walls, was desperately wounded, and his men being cut to pieces by the Londoners, he himself narrowly escaped being made a prisoner. The Londoners, soon after this, equipped and manned the ships which lay in the river Thames, and falling down upon John's fleet, sunk or took most of his seamen.

The castle of Hedingham taken by John, who attempts the siege of London.

Savory de Malleon wounded.

The northern barons hearing of those successes, then resumed their courage, and taking the field in a body, laid siege to York, and obliged the garrison to purchase a truce till Whitfuntide, at the expence of a thousand merks. The war now raged with as great fury as ever. But John, thinking to put it to a speedy period, about this time dispatched into France the bishop of Winchester and the elder earl Marescall, with a commission to endeavour to dissuade Philip from supporting his son in the intended invasion. But Philip, who suspected their errand, found means, on some pretence, to send them back without any audience.

The northern barons lay siege to York.

John, upon this, understanding that he had no longer any measures to keep with France, marched down to the sea-coasts, where he took all imaginable precautions to disappoint his enemy, by putting every thing in a proper posture of defence, and obliging the Cinque-ports, and those places he most depended on, to renew their engagements of loyalty to his person and government. He then pressed into his service all the ships from the sea-port towns on that side, and manning them with great expedition, he resolved to fight Lewis in his passage; but while they were waiting and expecting the enemies approach, so violent a storm happened, that most of this fleet was either sunk or dashed to pieces.

John obliges the Cinque-ports to swear allegiance.

While both parties were thus employed in military preparations, the pope's commissioners, to whom his bull of special excommunication was directed, were proceeding in their excommunications against all the clergy who refused to promulgate that bull, and against all the laity who continued to oppose John, without excepting the French noblemen, who had been sent over to England by the court of France. Lewis, to counterbalance those fulminations, wrote a

The pope's commissioners excommunicate the clergy and laity.

A. D. 1216. letter of thanks to the barons and citizens of London, for their noble behaviour against John, promising to be with them by Easter following. But the cause of the barons at this time received a great loss, in the death of Geoffrey de Mandeville earl of Essex, who was accidentally killed in a tournament.

Geoffrey de Mandeville earl of Essex killed in a tournament.

The pope sends his legate Gualo to Philip.

The pope, finding that his censures had but little effect upon John's enemies in London, dispatched one Walo, or Gualo, as his legate, who was charged to dissuade Philip from the intended invasion, and even to exhort him to employ his arms in defence of John, as being a vassal of the holy see. Philip was then at Lyons, and returned answer to this commission with great indignation, and gallantly defended the independency of the English crown. He absolutely denied that any king or prince could dispose of his kingdom without the consent of his barons (1). As to his other arguments, drawn from the former excommunication of John, they have but little weight; and, in the history of that time, we have already examined their force. Thus both parties departed dissatisfied from the first conference. A second was appointed, at which Lewis the French prince was to be present. As to the proceedings at this conference, the reader may consult the note (2), the debate being too frivolous, and favouring too much of the ignorance of that age to have place here. We must not, however, forget what an impu-

dent claim of blood was trumped up, on this occasion, by the court of France, in favour of their prince, as being married to the daughter of the queen of Castile, daughter to Henry II. of England. Nothing satisfactory passing in this conference, the legate commanded the young prince, under pain of excommunication, to lay aside his intention. He likewise applied to Philip in the same terms. But the young prince, without minding the remonstrances of the legate, had applied to his father with the greatest earnestness, protesting that he was ready, at the hazard of his life, to prosecute his just rights. Intimating, at the same time, that it was not even in his father's power to divert him, as the crown of England was independent on that of France, and his claim founded on the right of blood, as well as election. With this protestation Lewis left the conference, and the legate demanded safe conduct to England. Philip's answer was, That he might have safe conduct whilst he was in the dominions of France; but that he would not answer for his safety, if he should fall under the hands of Eustace the monk, or any of his sons commanders by sea. It was easy for the legate to perceive that this management was all a concert between the father and the son; but, not knowing how to help himself, he retired from court greatly enraged.

A. D. 1216. Lewis's claim and pretensions to the crown of England by his wife's mother.

Lewis thought it was of some consequence for him to reach England before the legate.

(1) Item nullus rex vel princeps potest dare regnum suum sine assensu baronum suorum, qui regnum illud tenentur defendere. Matt. Paris, p. 194.

(2) In the mean time, Walo, the pope's legate, came into France, to prevent Lewis's expedition into England by his holiness's authority, who delivered to king Philip his credentials, by which he endeavoured to dissuade Lewis from invading England, or disturbing king John in any shape; but to protect, defend, and love him, as a vassal of the see of Rome, whose kingdom, by right of superiority, belonged to the pope. To which the king of France presently made answer, "That the kingdom of England never was, and never shall be, the patrimony of St. Peter; for king John, for several years since, endeavoured to dethrone his own brother Richard, for which he was accused of treason, convicted, and condemned in that king's court, Hugh de Pudsey bishop of Durham pronouncing sentence against him; and therefore he never was a true king, nor could he give away his kingdom. Also, if at any time he was a true king, he afterwards forfeited his title by the murder of his nephew Arthur, for which fact he had been condemned in his court. Besides, no king or prince can give away their kingdom, without the assent of their barons, who are bound to defend it; and if the pope was resolved to defend such a palpable mistake, he would leave a most dangerous precedent for all kingdoms." Then all the nobles of France called out with one voice, "That to this article they would stand it out, even to death; for, say they, if a king or prince, at his own pleasure, can give away a kingdom, or make it tributary, then of consequence the nobles of the kingdom must become slaves." These proceedings happened at Lyons in France, upon the 15th day after the feast of Easter. The day following, by means of the king of France, prince Lewis was present at the conference, and looking upon the legate with a stern countenance, he took his seat next his father. Then the legate earnestly begged him not to invade or possess England, the patrimony of the Roman church; and also applied himself to his father as formerly. To whom the French king presently answered, "That he was always much devoted and truly faithful to the pope and the Roman church, and had thitherto most effectually promoted their interest; neither should his son Lewis, by his advice or assistance, attempt any thing against them; but if he challenged any right to the kingdom of England, let him be heard, and let justice be done him." But a certain knight standing up, whom Lewis had constituted his procurator, spake aloud, "It is very well known, argued he, that John king of England, for the murder of Arthur his nephew, whom he slew with his hands, was condemned to death by his peers of France; and afterwards, for many murders, and other enormities committed by him in England, he was rejected by the barons, and not suffered to reign over them; upon which they made war upon him, that they might irrecoverably thrust him out of the throne. That, without the consent of his barons, he gave the kingdom of England to the pope and church of Rome, to take it again of them, and to hold it under the annual tribute of a thousand marks. And although he could not give away the crown of England to any, without the consent of the barons, yet he might quit it; and, as soon as he renounced it, he unkinged himself, and the kingdom was void, and the vacancy of the kingdom could not be supplied without the barons: wherefore they chose Lewis, by virtue of his wife, whose mother was queen of Castile (Eleanor, second daughter of king Henry II.) and was the only child living of all the sons and daughters of the kings of England." The legate then urged, that king John had undertaken the crusade, and therefore, by a decree of the general council, ought to be free from disturbance for four years, and under the protection of the apostolic see. To which king Lewis's advocate made answer, "That king John, before he undertook the cross, had made war upon him, had taken several of his castles, and wasted his territories with fire and sword; and had taken many knights and others, which he even then detained in prison; and was at that very time in actual war against his master Lewis; and therefore the war he intended against him was just." The legate therefore, not satisfied with these reasons, forbade Lewis, under pain of excommunication, to enter England; and his father also, not to permit him. Upon which, Lewis said to his father, "Though I am your majesty's vassal as to the see I hold of you with respect to my lands in France, yet as to England you have nothing to do; wherefore I submit myself to the judgment of my peers: if you command me then not to prosecute my right, more especially such a right as you cannot do me justice in, I then beg your majesty not to withstand my resolution, since, if there is a necessity for it, I will dispute my wife's inheritance even to death." After Lewis had spoke thus, he departed from the conference; which the legate perceiving, he asked the king of France a safe conduct to go for England. To whom the king made answer, "That he would very willingly give him a safe conduct through his own dominions; but if, by chance, he should fall into the hands of Eustace the monk, or of the other commanders of his son Lewis, who guarded the sea-coast, he must not blame me, whatever befell him." The legate, hearing this, left the court in a violent passion. Paris.

A. D. 1216.

Lewis embarks for England,

and lands in the Isle of Thanet.

John lies with his army at Dover.

Lewis, in his way, takes the castle of Rochester, and is received with great acclamations at London.

His speech to the barons.

Lewis summons the barons and king of Scots to do him homage.

He got together a fine army, which was waiting at Calais, and ready to embark on board six hundred ships, and fourscore cogs, a kind of transport vessels, which had been gathered together by the industry of Eustace the monk. The weather was very fine when Lewis and his army embarked; but a violent storm drove most of his ships back to Calais, when he himself, with the rest, upon the 23d of May, or, according to our English historians, the 21st, 1216, landed in the Isle of Thanet.

The barons were not deceived, when they imagined that John's mercenaries would not serve under him with the same alacrity in opposing Lewis, as they had done in oppressing the English. He lay at this time at Dover, at the head of a fine, but a suspected, army. As they were gathered in hopes of plunder, it was reasonable for him to believe, that the same motive would turn their swords against himself and his party. Consciousness and diffidence disarmed him. He retreated before the handful which attended Lewis: he gave Hubert de Burgh the command of Dover castle: he retired first to Guilford, and then to Winchester. Lewis, strong only in his enemy's fears, made all the haste he could to London; but, in his way, secured the castle of Rochester, and received the submissions of all the country round, excepting Dover. Being arrived at London, he was received with prodigious acclamations of joy. The nation in general resorted to him, as a common deliverer; and they who, through fear of John, or through averseness to the barons, had hitherto declared themselves of no party, now performed their homages to Lewis; and he, in return, swore to restore them to all their ancient privileges and possessions. Polydore Virgil has, on this occasion, given us the speech he made to the barons, which because both of its importance, and because it comes from such an author, ought to be transcribed here:

"I receive your faith, my lords, and I plight you mine, that I will preserve the laws of this country; and that I will more regard the interest of the people of England, than my own advantage; and that I will secure you, who, next to my parents, are dear to me, from all injury. From my father, a most powerful prince, I am to inherit large possessions: it is not, therefore, to acquire a kingdom, or to increase my power, that I am come hither. It is to avoid the imputation of ingratitude, or cowardice, should I have refused to come to your assistance, who have voluntarily appointed me your king, or have declined to engage in so justifiable a war. Be ye, therefore, faithful, and follow me; for my conduct shall be such, as shall restore to the kingdom of England her dignity, and to you your liberties."

After this, the progress which Lewis made in the kingdom was very rapid. Looking upon himself now as a lawful and actual king of England, he summoned all the ba-

rons, and particularly the king of Scots, to do him homage. In obedience to this summons, the earls of Arundel and Salisbury made their submissions. This is a proof of the extreme unpopularity into which John had fallen, and he must now have lost his crown without a struggle, had it not been for two causes. The first was, the haughty behaviour of the French prince and his countrymen, with the manifest indications they daily gave of their intending to reduce England to a province of France. The next was, the excellent choice which John had made of officers to command in the sea-ports and places of strength which he still held, with his very great care in providing them with every thing that was necessary for a vigorous resistance. Simon de Langton, brother to the archbishop of Canterbury, having been lately disappointed of the archbishopric of York, and exasperated equally against John and the pope, was appointed chancellor of England by Lewis. The maxims of this minister, with regard to the papal power, were, for that age, uncommon: for, notwithstanding the special excommunication of the barons, he treated it all as a bugbear. He advised, he exhorted, both the barons and Lewis himself (who, by this time, had been excommunicated by Gualo) to be present at divine service; and prevailed so entirely, that the papal bolts, at this time, fell ineffectual to the ground. The legate all this while was with John, who had now retired to Gloucester. Besides Lewis, he had excommunicated Simon Langton; but the latter, without having recourse, as was usual, to an appeal to the pope, declared, that he had appealed, for his justification, only to the right and title of Lewis. This unanimity in the party against John rendered the legate's labours entirely fruitless. And, about this time, we find, that John's mercenaries had in general deserted his service. The Poictovins indeed remained about his person; but the others either returned home, or went over to Lewis.

Notwithstanding the vast success of this prince, a great deal was yet to be done, before he could make himself master of England. The counties and towns which lay towards the sea-coasts were, in general, well affected to John. If that prince had any merit, with regard to the kingdom, it was in the privileges he gave to the sea-ports, which they still claim, and in the excellent regulations he made for fitting out a navy upon any sudden emergency. This attention was unfortunate for Lewis: his eye chiefly lay towards possessing the sea-coasts, both that he might secure a retreat, or admit a reinforcement. Dover, the most considerable key of the kingdom, still defied all his power, and not only his own safety, but the counsels and reproaches of his father, prompted him to besiege it. With these views he set out from London, to secure the county of Kent; and from thence he marched to Sussex, which being destitute of any important fortifications, he soon reduced. But one William de Collingham, a young

A. D. 1216.

Two things contribute much to John's advantage.

Simon de Langton made chancellor.

His notion of the papal power.

John gives great privileges to the sea-port towns.

A. D. 1216. young man, according to Matthew Paris, got together a thousand archers, and retiring into the fastnesses and wilds of Suffex, held out against Lewis, and killed some thousands of his Frenchmen. Lewis, without being able to reduce this young gentleman, went next to Winchester, the city and castle of which he reduced, and there he received the homage of Hugh de Neville, together with the surrender of Marlborough castle. He likewise understood, while he lay at Winchester, that William de Mandeville, Robert Fitz-walter, and William de Huntingfield had had great success in reducing Essex and part of Suffolk.

Reflection.

But the intolerable pride and self-interest- edness of the French became now to open the eyes of the English barons. The respite they had got by the successes of Lewis, had eased that anguish which had driven them to seek relief from foreign arms, and many of them had now returned to reflection.

John fortifies several castles in the west.

John, on his part, was not idle; for he fortified and revictualled the strong castles of Wallingford, Corf, Bristol, Warham, and the Devises. He flew about from place to place, at the head of small detached parties; his activity was wonderful; his soldiers were paid by the plunder of the barons; and his adherents, most of which were now desperate through crimes, daily attached themselves more closely to his fortune. Neither were there wanting many of the English themselves, who, either secretly, or openly, supported him. Though their sufferings from him had been great, yet their disappointment from Lewis was great also; and their prospect of being bettered by the change, was next to nothing. It was owing to John's precaution, in securing his places of strength with good garrisons, that he had, at this time, nothing in the field which could be called an army. For we find, that Alexander king of the Scots again broke into England, where he took the city of Carlisle; though by what means it had again fallen into John's hands, is not particularly expressed. We are, therefore, to suppose, that, when Alexander took it before, the castle still held out for the English, who, upon his departure, soon reduced the city: for, even upon this occasion, he found himself unable to take the

Alexander king of the Scots again takes the city of Carlisle,

castle. He, therefore, marched forward to Northumberland, most of which he reduced, excepting those castles which were held by Hugh de Baliol and William de Halecoles. The former commanded in Bernard castle, which being strongly fortified, the Scot was unable to take it. While he was reconnoitring it, together with Eustace de Vesci, who had married his sister (1), the latter was, to the inexpressible loss of the barons, struck dead with an arrow from the walls. From thence he passed through the very heart of England, without any opposition, and joined Lewis, who, according to the Scots historians, had by this time returned to London.

Whatever may be in this, it is certain, that, upon the meeting of these two princes, the king of the Scots obtained from Lewis a confirmation of the rights which the barons gave him to Northumberland and the English provinces; upon which Alexander recognized and confirmed the title of Lewis, by doing him homage. The accession of the Scottish army gave the Frenchmen vast advantages. It was followed by the reduction of the castles of Ryegate, Guilford, and Farnham. Lewis afterwards, as is most probable, fell into the counties of Essex, Norfolk, and Suffolk, where the persons and possessions of those who had declared for the royal party were treated with the utmost cruelty. The castle of Norwich was taken, and with it Thomas de Burgh, who commanded it, and brother to the governor of Dover. All these proceedings gave the English a horror for the French, and was a melancholy omen of what they were to expect. Upon the return of Lewis to London from this expedition, he was met there by Gilbert de Gant, who, with Robert de Ro- peley, had taken the city of Lincoln, and reduced the country round it. Lewis, in return for this service, made de Gant earl of Lincoln, by girding him with the sword of the county; though the castle of that city still held out for John. He then was dispatched by Lewis, with orders to reduce the castles of Nottingham and Newark, which were still held by John's forces. While the country was thus harrassed by Lewis, the barons, on their part, made cruel reprisals upon the places which held out for John. They marched with a strong party

A. D. 1216. and reduces most of Northumberland.

Alexander obtains from Lewis a confirmation of his former rights.

Ryegate, Guilford, and Farnham castles taken.

Norwich castle taken.

Lewis creates Gilbert de Gant earl of Lincoln.

(1) Almost all our old historians agree in telling us a very extraordinary attempt made by John upon the virtue of this lady. I shall give the story as I find it in them, both because it is curious, and lets us see a good deal both of John's character and that of the times; and likewise, because I do not remember to have met with it in the English language.—There was, at that time, among the king's courtiers, a most noble baron and a gallant knight, one Eustace de Vesci, who had a very beautiful and chaste lady, whom the king passionately wanted to enjoy; but he could not obtain his ends, because her husband never allowed her to come in the king's presence. However, it happened, as the king and Eustace were sitting one day at table together, that the king observed a ring upon Eustace's finger, and lays hold of it, saying, That he had just such another stone, which he intended to have set in gold in the same manner. Eustace, suspecting no harm, gave it to the king. The king presently calling a messenger, dispatched him with the ring to the baron's lady, to acquaint her, from her husband, to come forthwith to London, if ever she expected to see him alive, he being exceeding ill. She, upon seeing the ring, made all the haste imaginable, believing all to be true. It happened upon a certain day, as her husband was riding out, he met her by chance, and being surprized to see her, said, "What are you doing here, my dear?" She then discovered the whole plot, and shewed him his own ring. Her husband, knowing the king's villany, told her, that the king had imposed upon her, and sent for her on purpose to tempt her virtue: "Go home therefore without delay, and dress a common laundry-maid, or some whore, in your cloaths, and send her to the king in your stead." Some time after this, as the king and Eustace were in conference together (and the king gloried in his base actions) he says to Eustace, "You have a beautiful lady, and a very agreeable bed-fellow." To whom Eustace made answer, "And how do you know, my liege?" Then the king replied, "I know mighty well, and I have lately made trial of her." But Eustace told him, his majesty was mistaken, it was not his lady, but some haggard whore, or a poor laundry-wench, he enjoyed. The king, in a mighty passion upon this, threatened to kill him. But as he was going to attack him, Eustace made his escape; and as he left the king, in his journey towards the northern counties, he demolished his own houses, together with the king's mansion-houses. Many nobles associated themselves with him, and especially those whose wives John had debauched. Hemingford Walt. Chronica, cap. civ. p. 558.

^{A. D. 1216.} into the counties of Norfolk and Suffolk, where they reduced the towns on the sea-coasts, such as Yarmouth, Dunwich, Ipswich, and Colchester. All Cambridgeshire was by them wasted, and its castle taken, and then the barons returned to London.

^{The barons take several towns on the sea-coasts.} An expression which has fallen from Matthew Paris makes it probable, that Lewis and Alexander king of the Scots, about this time, had a meeting with Philip, at Bulloign in France. The Scotch historians are express as to this fact; and Paris says, that Lewis was reproached by his father, as being but a novice in the art of war, for suffering the important castle of Dover to continue so long in the enemy's hands. But

this was not the only fort which gave him A. D. 1216. disquiet at this time: the castle of Windsor likewise held out; a place as formidable for its vicinity to London, as Dover was for the advantages of its situation. A resolution, therefore, was formed, upon the return of Lewis to England, that both those castles should be besieged at the same time; Dover by the power of France, and Windsor by that of the barons.

Here we must not omit, that Lewis, about this time, or perhaps before, received the report of the deputies whom he had sent to Rome, who were treated at first with great haughtiness by the pope; for particulars the reader may consult the notes (1).

John,

(1) I shall, for the satisfaction of my readers, give them a full translation of this curious conference, notwithstanding the repetition of some part of it, because it serves to clear up some parts of the feudal law, as it was then understood in Europe. The first argument against the king of England, in presence of the pope, advanced by the king of France's envoys, was, That he had treacherously slain, with his own hand, his nephew Arthur, and that by the basest kind of death, which the English call murder; for which deed the said king John was condemned to die in a court of the king of France, by a sentence of his peers.

To this the pope answered, That the barons of France could not judge him, because he was an anointed king, and so their superior. By the barons, as his inferiors, he could not be condemned, because a higher power can by no means be judged by a lower, since the greater power always absorbs the less. And further, it was manifestly contrary, both to civil and canon law, to pass sentence of death upon an absent person, not cited to make his defence, not convicted, or that had confessed his crimes.

To which the envoys of Lewis made answer, It was a custom in the kingdom of France, that the king had all jurisdiction whatsoever over his subjects, and the king of England was his subject, as an earl and duke; and therefore, though he was a king anointed, yet, as he was an earl or duke, he was still under the jurisdiction of his lord the king of France. But if an earl and duke in the kingdom of France committed a crime, he might and ought to be judged by his peers; yea, if he was neither earl nor duke, nor subject of the king of France, and had committed a crime in the kingdom of France, yet, by reason the crime was committed in France, the barons might sentence him to die. Otherwise, if the king of England, because he was an anointed king, could not be judged to die, he might safely enter France, and kill the barons of that kingdom, as he had slain his nephew Arthur.—The truth of the matter was, that king John was not justly and lawfully adjudged from the dukedom of Normandy, because he was not judicially, but violently, thrust out of it: however he sent special and prudent deputies to the king of France, in order to be restored, viz. Eustace bishop of Ely, and Hubert de Burgh, to let him know that he would willingly appear in his court, and was ready to stand to the law in all things relating to that affair, if he might have a safe conduct. To which the king of France answered, but with a gloomy aspect and false heart, He may safely come. Then the bishop asked him, And shall he return safely? To which the king replied, If his peers would permit him. And when the envoys of the king of England earnestly pressed that he might safely come into, and return again, the king of France, in a mighty passion, swore by his usual oath, viz. by the saints of France, he should not depart the kingdom without a trial. And when the bishop urged the dangers that might happen to him, by his coming without a safe conduct, says, That John could not come to his court as duke of Normandy, unless he came as king of England, seeing the same person was both king and duke; which the baronage of England would by no means permit, though the king himself would submit to it; for there was a manifest danger either of his imprisonment, or of death. To which the king of France replied, And what is this, my lord bishop? 'Tis well known that the duke of Normandy, who is my vassal, has by violence acquired England; and if he has suddenly acquired any greater honour, shall I therefore lose my right of superiority? by no means, my lord. To which, when the envoys of the king of England could give no reasonable answer, they returned home, and delivered their message: but the king was unwilling to trust himself to the precarious trial and judgment of the French, who hated him, especially as he was afraid they would object to him the base murder of his nephew Arthur. However, the grandes of France went on with his trial, which in law they ought not to have done, because the person to be tried was absent, who would have appeared if he could; and therefore king John, being condemned by his enemies, was not legally condemned.

To this the pope answered, Many emperors, princes, and even kings of France, are by their own annals reported to have put many innocent persons to death, and yet we find none of them ever brought to a legal trial; and when Arthur was taken at the castle of Mirabel, not guiltless, but guilty, and a traitor to his lord and uncle, to whom he had done homage and obedience, he might therefore be lawfully put to death without a trial.

The second objection urged against king John was, That he had been often cited to appear in the court of the king of France; but that he did not personally appear, nor sent a sufficient bail for him to the court.

To this the pope made answer, That the king of England was only contumacious, because, being summoned, he neither came himself, nor sent; but for contumacy, he said, no person could be sentenced to die; therefore the barons of France could not condemn him to death, but might punish him otherwise, and that is, by depriving him of his fee.

To this the deputies of the king of France returned answer, It is a custom in France, that if any person was accused of murder before a proper judge, and appeared not, but sent his excuse, he was judged as convicted in all things, and even received sentence of death, as if he was personally present.

To which the pope answered, That there might have been a paction, or some ancient custom, between the king of France and the duke of Normandy: That the dukes of Normandy were not obliged to answer the summons of the king of France, except in the case of marches; so that, if he did not appear after being summoned, he did not trespass, nor could he be punished accordingly. Besides, the pope argued further, That, though sentence had been passed against the king of England, yet it was not put in execution, since he was not put to death; from which it follows, that his issue, which he begat afterwards, ought to succeed him in the kingdom; because the king of England was neither guilty of treason or heresy, for which only the son is disinherited for his father's crime.

To this the deputies replied, It is a custom in France, that after any person has received sentence of death, that his issue, born after that sentence, cannot succeed to him; yet children, born before sentence is passed, are allowed to succeed to their father: but the deputies declined to litigate this point.

The pope said, That suppose the king of England was condemned to die, and his issue barred, which could only be with respect to his territories in France; yet Blanca, the wife of Lewis, ought not to succeed him; but the nearest of kin, viz. the eldest brother's children, and so the sister of Arthur, or Otho, who was the eldest sister's son. And putting the case, that the queen of Castile ought to succeed, and consequently her daughter Blanca also, it is false; because the male heir ought to be preferred, viz. the king of Castile her brother; and in case there was no male heir, the queen of Léon ought to be preferred; as her eldest sister.

To this the deputies made answer, That the brother's children ought not to succeed, since, at the time of passing the sentence, the brother was not living; and so the niece, to wit, the sister of Arthur, ought not to succeed, because she is not in the right line, being the daughter of the brother. After the same manner, at the time the sentence was passed, the mother of Otho was not alive; therefore she did not succeed, and consequently Otho ought not to succeed. But the queen of Castile was alive, who was the sister, and so succeeded; therefore, upon the death of the queen of Castile, her issue succeeded, and ought to succeed.

A. D. 1216.

John displays the standard of the dragon, to give battle to Lewis.

Paris.

Lewis besieges Dover castle with battering engines.

John, hearing of the intention to besiege Dover and Windsor, determined to risk his whole fortune to prevent it. As he saw that the enemy had brought together all their force, he ventured to draw out of his other garrisons several strong detachments, with which he formed a large army, and marched to Winchester, and as if he had intended to give battle to Lewis. He displayed the standard of the dragon, which we have formerly taken notice of; but altering his mind, he suddenly marched against the defenceless lands of his enemies, and exhausted them of all that remained from former rapine. The estates of the earl of Arundel, Roger Bigod, and William de Huntingfield, Norfolk, and Suffolk are particularly mentioned to have suffered most.

It was now about Midsummer, when the two important sieges, on the success of which the fate of the contending parties depended, were formed. Lewis carried on that of Dover with prodigious fury. He had sent into France for an engine of uncommon bulk and execution in battering walls, and no machines, which the mechanism of that age produced, were spared. Hubert de Burgh, the commander of the castle, had under him no less than a hundred and forty knights, with their followings, which of themselves composed rather an army than a garrison. The defence he made was proportionable to his means, and answerable to his high courage. By the vigour of his sallies he repelled the approaches, and destroyed the engines, of the French. Lewis was obliged to remove his camp at a greater distance

from the walls. At once abashed and enraged, he first attempted to work upon Hubert's tenderness, by his threatening to put to death his brother Thomas, whom he still held prisoner. This proving ineffectual, he endeavoured to corrupt him with gold; and both those expedients failing, he threatened to give no quarter to the garrison, in case he should take the castle. But Hubert, equally proof against all, continued to defend the place so well, that Lewis was at last forced to change the siege into a blockade.

The success of the barons before the castle of Windsor was worse than that of Lewis before Dover. They had made the count of Nevers commander of the siege. The place was defended by sixty knights, and their followings; and the besiegers, after repeated assaults with their engines, were obliged to raise the siege with precipitation.

John was all this time marching from place to place with amazing celerity; sometimes he was at Winchester, sometimes at the Devises, at Bristol, at Wells, at Sherburn, at Warham, at Corf, at Lutgarshal, or Bartley castles; but his chief receptacle was the town of Lynn, then called Lenn. The inhabitants of this town, and the country about, continued remarkably loyal to this prince in the time of his distress. The situation of it was convenient for such a retreat; and, as tradition says, John made a present of his own sword, to be carried before their mayor, or provost (*præpositus*) together with a silver cup gilt, which they still possess. Every day more and more opened the eyes of the barons to their deplorable condition.

To this the pope replied, That the king of Castile ought to succeed, because he is male; or else the queen of Leon, as eldest sister.

To this the envoys answered, That seeing there are several heirs who ought to succeed, and the person who ought first to succeed was not living, that either the estate ought to be invested according to established custom, saving nevertheless the other person's title, if he claimed right; and upon that footing, Lewis entered England as his right; and if any nearer would claim right, then Lewis might do what he thought fit, or ought to do.

Then the pope said, in answer to these arguments, That the kingdom of England was his property, and was in possession of him, as superior both on account of allegiance and fealty, and also on account of the taxes which were lately paid him by the kingdom of England; wherefore, as he had committed no offence, he saw no reason why Lewis should make war upon him, or deprive him of his kingdom of England by war; especially seeing the king of England held many territories in fee of the king of France, for which he might make war upon him.

To this the commissioners answered, That a just war was raised against the king of England, before the pope could pretend to that kingdom; for William Longsword, with a stout band of armed men, came from England, who committed great hostilities, and attacked king Lewis in his own kingdom; and therefore the war against the king of England, who sent him, was just.

The pope replied, That Lewis ought not to make war upon him, for what the king of England, his vassal, had done; but he ought to complain to him, the pope, as his lord, and to whom the king of England was a vassal.

To this the deputies made answer, There was a custom in France, that when any vassal made war upon any one by his own authority, the person upon whom he made war could also do the same to him, nor was he obliged to complain to the lord of the said vassal; and if the lord would defend his vassal whilst he made war, the lord himself was esteemed equally guilty.

The pope likewise urged, That in a general council it was appointed, that between all princes at war there should be a peace and truce for the space of four years, for the support of the Holy Land; and that, during this interval, Lewis ought not to make war upon the king of England.

The deputies made answer, That, at John's departure from France, Lewis was not invited to enter into a truce or peace; and if he had been required, they were of opinion, that such was the obstinacy of the king of England, that he would accept of neither.

The pope also alledged, That the king of England had taken upon him the cross; wherefore the king himself, and all his kingdom, were under the protection of the church, by the appointment of a general council.

To this the deputies answered, That the king of England, before he took the cross upon him, had made war upon king Lewis, and had done many injuries, took several of his strong holds, and as yet detained several of his soldiers and vassals prisoners of war, and was still at war against Lewis; neither would he accept of a truce or peace, though he was often required so to do.

Then the pope urged farther, That, by an unanimous sentence of a general council, he had excommunicated the barons of England, and all their favourers; by which means Lewis would incur the pain of excommunication.

The deputies replied, That Lewis neither favoured or cherished the barons of England, but prosecuted his own right; nor could he believe, that either the pope, or so august and venerable a council, would excommunicate any man without cause: for, at the time of declaring the sentence, the pope knew not what right Lewis had to the kingdom of England; and when he knew it, Lewis could not believe that the general council could deprive him of his right.

The pope then said, That the king of France, and Lewis his son, after sentence was declared against the king of England by the barons of France, called him king, and held him as such, and made a truce with him as with a king of England.

To this the deputies made answer, That after sentence was pronounced by the barons against him, they never accounted him a king; but called him a king deposed, as we generally say, an abbot deposed, or any other person.

Finally, the pope said, That he would determine nothing in the affair, before he heard from his legate Walo.

Matt. Paris, p. 196, 197, 198.

A. D. 1216.

They now equally dreaded the success of Lewis, as of John; and, had not the latter been infatuated by his implacable vindictive disposition, so as to discourage all application from them, a reconciliation might now have been easily effected.

The barons form a design to seize John's person;

After raising the siege of Windsor, the barons, who had left all their tents and engines behind them, hearing that John was in the town of Cambridge, from whence he was harassing the country round, formed a design to seize his person. With this view they advanced thither, with long marches; but John's scouts advising him of his danger, he removed to Stamford. From thence he advanced, at the head of a body of troops, and relieved the castle of Lincoln, which was still besieged by Gilbert de Gant, who retired on the king's approach.

but are disappointed.

The barons go for Dover.

Conjecture.

The barons now again returned to London, where leaving a strong garrison, they marched to Dover, the blockade of which was still continued by Lewis. The king of Scots remained still in the army, and perhaps was now the chief dependance of the barons. Matthew Paris seems to intimate, that this prince did not arrive at the English army till August. This seems to have been too late in the year, unless we suppose that he had gone from France to Scotland, and had brought up a second army to the assistance of Lewis; but I apprehend he had not time for all this. But whatever may be in this, it is certain that, at this time, that prince's assistance was of the utmost consequence to the common cause; and he was a contracting party in an association formed and sworn to by Lewis and the barons, that they should make no peace with John without consent of the Scot.

The viscount of Melun's discovery.

While Lewis was pushing the siege of Dover, his creatures he had brought into England gave daily fresh cause of disquiet and discontent to the English nobility. Our historians mention the viscount of Melun, who, struck with remorse a little before his death, sent for some of the English barons in London. To them he revealed a concert, into which Lewis had entered with sixteen of his French earls and barons, by which he bound himself, after taking full possession of the crown, to banish out of his land all the nobles who had resisted John, and to crush all their principals, as traitors to the crown. The Frenchman, at the same time, protested, that he himself was one of the contracting parties who had entered into this resolution. Though this story, as told by our modern historians,

Reflection.

has with it all the air of imposture, yet dare I not reject it in the main (1). It was no such unnatural or impolitic proceeding in the son of Philip the August, who claimed by hereditary title, to crush a set of nobility, whose principles might, in time, turn their swords against himself, if guilty of the like enormities. His attesting this before so many witnesses, and making them parties, has with it no improbability, since the oath itself was an encouragement to their allegiance and services.

Again the barons found themselves in a deplorable condition, and the election of the kind of tyranny they would chuse to live under, seemed to be all that was now left them. They reasonably thought, that if John had any feeling; he would be glad of an opportunity to reconcile himself to his injured people. Accordingly, Paris informs us, that many of them now thought of returning to their allegiance under John; and some authors say, that no less than forty of them were actually reconciled to him about this time. But, notwithstanding this, it does not appear that John was able, as yet, to bring to the field an army, whom he could trust to, numerous enough to face the enemy in a body. For, when he left the west, he came to Oxford; and, from that time, it is amazing to consider how he was hunted about from place to place, and with what activity he supported himself. Dr. Brady has given us, from original papers in the Tower, a curious detail of the places where he sojourned after he left Oxford, and almost for a month before his unhappy death.

Forty of the barons return to their allegiance.

About the 8th of September he was at Sunning. John's various shiftings and marches.

On the 13th of September he was at Wallingford.

At Aylesbury on the 15th.

At Bedford the same day.

At Cambridge on the 16th.

At Clare on the 18th.

Apud Clivam the 20th.

At Bocking the 21st.

At Lincoln the 22d.

At Stow in Lincolnshire the 27th.

At Lincoln the 28th.

At Lincoln the 2d of October.

At Grinesby the 4th.

At Spalding the 7th.

At Lynn the 9th and 11th.

At Wisbeck the 12th.

At Lefford, alias Sleaford, the 15th.

At Newark castle the 16th, 17th, and 18th of October (2).

There are some immaterial variations between

(1) Our modern historians, particularly Tyrrel and Brady, have been guilty of a gross mistake in construing the words of Matthew Paris; which are, *Juravit namque Ludovicus et sedecim cum eo de regno Francorum comites et barones, quod si contigerit eum Angliam subjugare, et in regem coronari; ipse omnes illos, qui nunc cum ipso militant et regem Joannem persequuntur ut proditores domini sui, perpetuo damnaret exilio, et omne genus deleteret de terra.* The sense these gentlemen understand of those words is, "That Lewis had sworn he would for ever banish all those who fought for him, and persecuted king John; and that he would destroy all their posterity." This is indeed a very barbarous resolution, and the French very properly insist upon its improbability: but when we attend to the words of Paris, he does not say, that Lewis was to have banished the noblemen, and destroy their children (for that would have been a monstrous solecism); but that he would for ever banish those noblemen as traitors to their king, and rout out of his kingdom all the kind of such traitors. Whoever is acquainted with the genius of Paris's language, must know that this is his meaning; so that, in effect, the declaration was no more than as I have stated it in the text.

(2) It is probable, says Dr. Brady, as Paris reports, that the barons might rise from before Windsor castle about the middle of September, and march after the king, and hunt him from Cambridge to Clare; from thence to Clive, where that is I know not; and from thence to Bocking and Manirre in Essex, where he was September the 21st; and from thence that day

A. D. 1216.

John's treasure at Lynn.

Loses his treasure, and all his baggage, as he marched through the washes.

Reasons for it.

tween this journal and that given us by Matthew Paris; but it is certain, however, that, while he was at Lynn, he was treated with all the demonstrations of affection by the inhabitants. It was there his principal treasures lay, and his recruits of forces on which he most depended. He there had intelligence that the chief of the barons, giving over the pursuit, and perhaps willing to give him an opportunity of making a stand, had returned to London, while Lewis was still ineffectually employed in the siege of Dover. John, upon this news, resolved to march northward into Lincolnshire, where many were now well affected to his interest, and endeavoured to raise such an army of Englishmen, as might improve to his own advantage the untowardly situation of the enemy's affairs. He, therefore, ordered the royal wardrobe, with all his rich equipages and regalia which was at Lynn, to attend him; while he himself marched, with the army he had got together, over the washes. But the king lost his whole treasure, waggon, carts, in short, all the moveables that attended him, as he was marching through the washes, between the Cross-keys and the parish of Terrington in Norfolk, and Forc-Dyke in Lincolnshire. It is probable, that the tide coming too fast upon them, in their passage, they had lost their way and perished, which I am informed is, to this day, often the case with travellers who venture without skilful guides over that dangerous tract. Matthew Paris, with a prepossession common to the monastic order, has told us, that the earth opened, and swallowed up all those equipages so compleatly, that not a man escaped: but Coggeshall, better informed, has related the accident as it really happened. The plunder of Peterborough and Croyland, during this progress, with some aggravations of cruelty, is likewise charged upon John. We now draw to the period of this unhappy king's life. He came, on the night on which he lost his equipage, to Swines-head-abbey, where he lodged. The sickness and death of kings and great men are too often, with-

out just cause, attributed to extraordinary causes. John's great fatigues, the state of his health impaired by infinite toils, anguish, and agony of mind, the constant hurry in which he had lived for some time, may well account for his death on this occasion. But our old authors, not contented with this, have administered poison to his person. Caxton's chronicle, which was compiled about the year 1483, and printed in the year 1502, has given us a very curious and entertaining account of his death. I shall give it in the notes, not so much on account of its veracity, as because of the light it throws on the manners, the simplicity, and plain way of living of that age (1). Another author [Knighton] has informed us, that the abbot of this place had a very handsome sister, whom John wanted to debauch; and that the abbot complaining of this to his monks, one of the latter poisoned the king by a dish of pears. But as it is improbable that a prince, who scarcely, at that time, knew where to lay his head, should dream of gallantry; and as the story itself is attended with very ridiculous circumstances, it deserves no other regard than bare mention. The truth seems to be, that, when John came to Swines-head, he was greatly fatigued, and much out of order. The luxury and debauch of kings in those days, by all accounts, appear to have consisted in good ale. That which John drank of was too new, and drinking it too plentifully, and eating too many peaches at the same time, he fell into a disorder, which soon brought upon him a fever. Next morning, however, he was carried in a litter to Sleaford castle, and finding his end approaching, he ordered his will to be drawn up, by which he appointed his son Henry, a child, to succeed him. Next day, with great difficulty, he reached Newark castle on horseback, where, at night, on the 18th of October, being St. Luke's day, he died; his death, as we have received it from old authors, being more edifying than his life.

It is an unpleasing task to stir the ashes of princes, when their lives deserted ill of man-

Character of John.

day he might march cross the country to Royston, and so to Huntingdon, Stamford, and to Lincoln the next day. And when he knew the barons were marched back to London, and from thence to Dover to Lewis, he then came to Spalding, and so over the Wash to Lynn, for his carriages and treasure which were secured there, and to recruit his army with such of his loyal people that had fled thither. For Paris tells us further, that when Lewis had a long time in vain besieged Dover Croyland, plundered those abbies: at length, in his passage towards the north, he took his way through Lynn, &c. This doth no ways agree with the patent rolls, which say, he was at Grimsby in Lincolnshire upon the 4th of October, at Spalding in the same county upon the 7th, at Lincoln on the 9th and 11th, at Wisbeck on the 12th; from whence he went back to Lynn, and went over the Wash, on the 14th of October, to Swineshead abbey; which agrees with the latter part of the story in Paris, and the patent rolls. Brady, fol. 516.

(1) The kyng came by the abbey of Swines-head, and there he abode two dayes; and as he sat at meat, he asked at a monk of the house, how much that loaf was worth that was set before him upon the table? and the monk sayd, that the loaf was worth but an halfpenny. O! sayd the kyng, tho, there is great cheap of bread; now, sayd he, tho, I may live any while, such a loaf will be worth twenty shillings, or half a year be gone. And so when sayd this worde, moche he thought, and often he sighed, and toke and ete of the bread and sayd, By God, the word, the word, that I have spoken, it shall be for. The monk, that stode before the kyng, was for this worde full of fory in his herte, and thoughte rather he would himself suffer death, and thoughte if he mighte ordeyne therefore some mannere remedye. And anon the monk wente unto his abbot, and was shryven of him, and told the abbot all that the kyng had sayd, and prayed his abbot for to asloyle him; for he would give the kyng such a drinke, that all Englonde should be glade therof and joyfull. Tho yede the monk into a gardeyne, and found a grette tode therin, and toke her up, and putt her in a cuppe, and prycked the tode through with a broche many tymes, till that the venym came out of every syde in the cuppe; and tho toke the cuppe, and filled it with good ayll, and brought it before the kyng, kneying, sayenge, Sir, sayd he, wlap ayll, for never the dayes of all your life dronke ye of so good a cuppe. Begyn, monk, sayd the kyng; and the monk dronke a grette draught, and toke the kyng the cuppe, and the kyng dronke also a grette draught, and sett downe the cuppe. The monk anon rygthe went into kymerye, and there dyed anon, on whose soule God have mercy, Amen. And five monks synge for his soule specially, and shall wyle that the abbey standeth. The kyng rose up anon full evyll at ease, and commanded to remove the table, and axed for the monk; and men told him that he was deed, for his wombe was broken in fundre. When the kyng heard this, he commanded for to trulle; but it was for nought, for his belly begane to swelle for the drynke that he had dronke, and within two dayes he dyed, on the morrow after saynt Lukis day.

kind;

A.D. 1216. kind; but most disagreeable, when those princes, in their own persons, were punished for their demerits, as was the case with him, the history of whose reign I am now finishing. It would be grateful to me to find any quality in him, for which I could worthily praise him, besides that which I have already mentioned, his attention to maritime affairs, and the defence of the coasts. The irresistible stream of his passion for pleasure had broken into the pale of private honour. Such of his subjects who were wounded in so tender a point, found, perhaps, their resentments of public grievances sharpened by personal injury; nor will I deny that the same motive might be the strongest cement of their union. One excess brought on another, till at last government itself became all a blank, and civil order ceased. John had many opportunities of retrieving his affairs; but he is an eminent instance of what infinite consequence a good name is. The horror which the public entertained for Arthur's death, more effectually drove him from his French possessions, than all the arms of Philip; nor was he ever able to avail himself of the many favourable conjunctures which afterwards presented. He seems to have prized power only because it gave him a fuller opportunity of doing harm, and this temper reduced him to hold it at second-hand, because he thought he could thereby exercise it more securely. Years added nothing to his experience, though they did to his passions, which ever were violent. He tried either extreme of fortune, and behaved ignominiously in both. Difficulties neither gave him reflection, nor adversity moderation; yet under difficulties he was exquisitely sensible, and in adversity immeasurably dejected. He had starts of every thing but of goodness; he was profited by nothing but compulsion: hence his favours had no thanks, and his condescensions no endearment. The money he got was spent without dignity, and his kindnesses bestowed without judgment. He was not without

abilities, though nothing called them so effectually forth as necessity, or revenge; in the first, he found wonderful resources; and for the latter, he often broke through his favourite indolence. As to his other political faults, they are fully treated in the history of his reign: but of his impiety, we have an instance in what he said of a buck, as his huntsmen were opening him: "See how fat this deer is, says he, though I dare say he never heard mass!" An impious scoff, because levelled at the religion of the country, which, however absurd, demands to be treated with decency of expression. It remains now that I speak of the wives and issue of this prince.

His wife Hauis, or Avis, daughter to the earl of Gloucester, being divorced from him, he was, as we have already observed, married to Isabella, daughter to the earl of Angoulesme (1).

His eldest son by this lady, was Henry, who succeeded him.

Richard, who was afterwards king of the Romans, and earl of Poitiers in Cornwall, and born in the year 1208.

His eldest daughter was Joan, married, in the year 1221, to Alexander king of the Scots.

His second daughter was Eleanor, married first to William Marescall the younger, anno domini 1231; and afterwards to Simon Montfort earl of Leicester, in the year 1238.

His youngest and last daughter was Isabella, married when she was one and twenty years of age, in the year 1235, to Frederic II. emperor of Germany.

His base issue were as follow: Richard the eldest, Geoffrey Fitz-roy, Osbert, mentioned as king John's son in Rol. part 17. Joan. part 2. m. 16. Oliver, mentioned as king John's son in Rol. Cl. 1 Henry III. part 2. m. 23. And as king Henry's brother in Rol. Cl. 2 Henry III. part 1. m. 9. Joan married Llewellen the Great, prince of North Wales (2).

(1) Many authors have supposed, but I think wrongfully, that John was married to the daughter of the earl of Maurienne. See p. 537.

(2) We shall now give the reader an account of the taxes, and a remarkable regulation, of this prince. Soon after his first coronation, which was on the 27th of May, 1199, he had a scutage tax of two merks of every knight's fee. In the year 1200, he had of every plough-land in England three shillings. In the year 1201, he had two merks of every knight's fee, for scutage service of such as had his licence to stay at home, upon summons to pass beyond sea with him. In the year 1203, he took a seventh part of all the earls and barons goods that left him in Normandy. In the year 1204, in a parliament at Oxford, there was granted to him a scutage tax of two merks and a half of every knight's fee. In the year 1205, he levied of the earls and barons that would not follow him beyond sea with their service (*in finitima pecunia*) a vast sum of money. In the year 1207, he took a thirteenth part of all the moveables, and other things, as well of laics as of ecclesiastics and prelates, all murmuring, but none dared to contradict it. In the year 1210, he forced from the abbots, priors, abbesses, templars, hospitallers, &c. 100,000*l.* and from the white monks, or Cistercians, 40,000*l.* In the year 1211, he had two merks, scutage service, of every knight's fee, which furnished not out its service to the expedition of Wales. In the year 1214, he took of every knight's fee, of those that were not with him in Poitou, as well of bishoprics in his hands, as of wards and escheats, three merks. Brady, fol. 520.

The first ordinance we find of this king, is in Matthew Paris, under the year 1202; when he caused to be proclaimed a legal assize of bread, to be inviolably observed, under pain of pillory, as it was to be tried and approved by the baker of Geoffrey Fitz-peter justiciary of England, and the baker of R. de Turnham. It was to be so made, as that the bakers might gain in every quarter three-pence, besides the bran, and two loaves at the oven; with some small allowances for servants, salt, yeast, fewel, and other necessaries for the making it up, amounting in all to about seven-pence. And according to this following gain and allowance, when wheat was at six shillings the quarter, a farthing white loaf, well baked, was to weigh sixteen shillings; and a farthing loaf of the whole grain, that is, bran and all, as it came from the mill, was to weigh twenty-four shillings. When wheat was at eighteen-pence the quarter, then a farthing white loaf was to weigh sixty-four shillings; and a farthing loaf of the whole grist, as it came from the mill, was to weigh ninety-six shillings. This is the highest and lowest price of wheat mentioned in this historian; and the intermediate price of wheat, and the assize, did rise and fall, according as the price of wheat did, after the rate of six-pence in every quarter: and this assize was proclaimed through the whole kingdom. Tyrrel, vol. iii. fol. 808.

8. HENRY III. surnamed of WINCHESTER.

A. D. 1216.
General state
of the affairs
of England at
this time.

THE first measures of the reign I now attempt to describe, strongly establish the principles upon which we have seen the constitution of England founded by the great charter. The earl-mareschal of England, one of the most worthy subjects she ever could boast, while the vessel of government was now tossed by the alternate storms of civil rage and foreign invasion, seized the rudder, perhaps in consequence of John's last will. It required an equal proportion, both of abilities and virtues, to weather the tempest. But affairs were not so desperate as they were confused; to restore confidence between the royal party and the nobility, was the main point. For Lewis was now rather formidable, than necessary, to the barons; they were attached to his party, only because they knew not whether they would be received into any other.

The young
Henry raised
to the crown.

The opposition now lost its name in unnatural rebellion; the object of resistance was gone; that of allegiance remained, in the person of Henry, eldest son to John, and not yet entered into the tenth year of his age. The mareschal was too wise and too virtuous to attempt an excuse, far less a vindication, of the late reign; but, in consequence of the doctrine laid down by the great charter, he was equally zealous for the hereditary rights of blood, uncontaminated by paternal demerits, as for the support of public liberty, invaded by encroaching prerogative. Upon this system, upon this alone, he entered upon his arduous office; none else could have staunched the bleeding wounds of his country. He summoned the barons to Gloucester, whither all repaired who adhered to the royal family. The mareschal then placing young Henry in the middle of the assembly, greeted them with the words, "Behold your king!" After a short pause, he then went on with this memorable speech, which I shall literally translate from the words of our old annalist. "My dearest friends, though we persecuted, and that justly, the father of this prince, because his deeds were evil; this is but a little child, and innocent of all his father's works. Since offence and guilt ought only to affect its own authors, and as the word of God instructs us, that the son should not bear the iniquity of his father, we ought to pardon this little child, and compassionate his tender years. Now, therefore, as he is the son of our king, as he himself will be our king, and as he is heir to the crown, let us come and appoint him king over us; let us throw out of our land Lewis, son to the king of France, with his people. Thus shall we take away reproach from our country, and break the yoke of unjust servitude."

Could any argument be wanting, after those I have laid down from the words of

the great charter itself, to prove, that resistance and hereditary right were equally consolidated in the English constitution, this simple, artless speech must finish all doubt: it carries with it conviction in every word: its success was answerable. The earl of Chester indeed was under some difficulties with regard to the invitation which Lewis had received; but the mareschal urged, that Lewis had broken the terms upon which he was called in; that he had proceeded in an arbitrary, tyrannical manner; and that therefore all regard for him was to cease. Those arguments won so much upon the assembly, that they unanimously called out, "Let him be made king, let him be made king."

The ceremony of Henry's coronation was performed at Gloucester, on the eve of St. Simon and St. Jude, in presence of the pope's legate; the archbishop of Canterbury being then at Rome, soliciting a release of his suspension. The oath he took was, "That he would bring honour, peace, and reverence to God, and the holy church, and her clerks, all the days of his life: That he would administer right justice to the people committed to his charge: That if any bad laws, or evil customs, remained in the realm, he would abolish them, and make good ones, and cause them to be observed by all others." The rest of the ceremony was such as we may suppose most agreeable to a legate from the pope, whom the nation found necessary to court. Even the renewal of subjection of the kingdom to the see of Rome, became indispensable upon this occasion; and the young king engaged to pay the annual stipend of one thousand merks. He was then anointed and crowned by the bishops of Winchester and Bath, the legate seeming rather to have presided at, than to have performed, that ceremony in person. The crown having been lost, with the other regalia, in the marshes, a plain circle of gold was made use of. The barons performed their offices; and the tuition of the king's person was committed to the earl-mareschal, who acted as regent of the kingdom.

Lewis all this time was continuing the siege of Dover. The obstinate defence of this important place, the fidelity of the seaport-towns to the royal family, the visible decline of the affections of the barons, and the good condition in which the king's affairs were, rendered him more jealous than ever of the barons; he therefore now exacted from them an oath of abjuration of John's family. This oath was taken by some through fear, by others through policy; but was disregarded by all. And here it is plain, that with regard to hereditary right, the constitution of England had received a new cast by the great charter. The extent of this term, as understood in England, I have often explained;

A. D. 1216.

Henry is crowned.

The interests of Lewis declines.

The advantages arising to the constitution by the great charter.



KING HENRY THE III.ʳᵈ

A. D. 1216. explained; and we find, that though it was always supposed, and often regarded, yet, the rigour of it sometimes gave way to convenience, even among the Saxons, whose laws the great charter restored: but, upon this occasion, convenience gave way to principle. By the new model, the succession had been established in the heirs of John, the last possessor, without regard to competitors upon prior claims. The princess of Brittany was still alive in England, and undoubtedly nearest in blood to the crown from the second Henry; but the barons had no regard to her claim; and, notwithstanding all the convulsions that generally attend minorities, the sense of the nation was in favour of young Henry. Lewis was sensible of this; he perceived he had now little else to trust to for success, than his sword; the excommunications against him and his adherents thundered every day, and from every pulpit, heightened his apprehensions, and damped his interest. He again had recourse to corrupt the fidelity of Hubert de Burgh, the governor of Dover; he informed him of John's death, and tempted him with whatever ambition could wish for in a subject. But the governor rejected all his offers, and declared, that he would fight to the last for the young king. Lewis then, in despair, raised the siege, and marched for London. Having secured his interest there, we find him, on the 12th of November, 1216, besieging Hertford, which surrendered upon terms; and Fitz-walter, who expected to be made governor of it, had the mortification to be upbraided by the French as a traitor, in common with all his party. About the middle of December, Berkhamstead castle was besieged and taken by Lewis; and from thence he proceeded, with all the fury of declared enmity, to St. Albans. It was with difficulty, and not till after exacting a severe composition, that he was prevailed on to spare this town and abbey; but the clergy in general, being now extremely active for the young king, had their possessions destroyed by Lewis. They were, however, severely revenged; for the detestation of the French became, through their means, daily more general; and so well did they intrigue, that Lewis was constrained to accept of a truce during the Christmas holidays.

Other claimants to the crown disregarded by the nation.

Fidelity of Hubert de Burgh, governor of Dover.

Progress of Lewis.

A truce.

Wife conduct of the regent.

This truce was of infinite advantage to the regent; it gave him time for applying to the barons; and them, leisure to reflect. He wrote to the principal; and his letters so well express that great man's sentiments upon the two points I have so often endeavoured to explain, that I shall give a translation of one of them, addressed to Hugh de Lacy.

The king to Hugh de Lacy wisheth health.

" We require you, that you forthwith
" come in all safety to pay us homage and
" service; and we give you safe conduct to
" come and commune with us, and to re-
" turn in safety. And we will you to know,
" that if you do come to us, we will fully
" restore to you your rights and liberties,

A. D. 1217. " by the counsel of our well-beloved Ralph earl of Chester, William earl of Ferrers, and other our faithful counsellors. For, notwithstanding our father John, of happy memory, was in some respect wanting towards you; yet ought not we to be charged with his failures, neither ought they in any respect to be imputed to us."

The earl, by which I suppose is meant the regent, is sole witness to this letter; and it becomes me to put the reader in mind, that this is a very frank acknowledgment of John's demerits as a king, as well as the right of resistance in the subject; but still with a salvo to hereditary right of blood. Henry was now at Bristol, where the clergy were assembled, and where he kept his Christmas. During this time of the truce, the lords in the interest of the king met at Oxford, while Lewis and his party were at Cambridge. The former proposed to prolong the truce, but the latter would not agree to it. No sooner therefore was it expired, than Lewis formed the siege of Odiam castle in Hampshire, which he took. This was followed by the loss of the castles of Slesford, Norwich, and Colchester, all which submitted to Lewis. Fowkes de Brent, on the other side, made an irruption, at the head of a body of mercenary free-booters, into the country as far as St. Albans, which he laid under contribution; while the garrison of Nottingham castle cut off a party which had sallied from Mount Sorrel.

The regent all this while was making great progress in his reconciliatory plan. John had been well served by his subjects in Ireland; and the earl now directed a writ to Geoffrey de Marisco, the high justiciary there, with expressions of gratitude for the behaviour of that kingdom, and granting the Irish the same privileges which either the young Henry or his father had granted to the English, by which they became entitled to the protection of Magna Charta. Lewis found his party and interest daily decline; the war was expensive, and was to be supported chiefly by draughts from France. All the regent's aim was, to gain leisure from the tumults of war for the English to reflect. He knew their genius to be averse from the French; and that if, by repeated acts of generosity and clemency, he could once work the people into a confidence of the government, his master's authority would soon be established. His chief care therefore was, to shew himself, upon all occasions, extremely placable and ready to abolish all distinctions of party. This disposition, with the incessant endeavours of the court of Rome to serve the royal family, at last wrought so powerfully, that Lewis consented to a truce, which was to last until a month after Easter. During the continuance of this truce, Lewis found himself obliged by his father, who durst no longer resist the solicitations of the pope, to return to France. His absence was extremely fortunate to the royal party. The earls of Salisbury, Arundel, Warren, and the young earl-mareschal (all of them men of great

The success of Lewis;

notwithstanding which, he loses ground in England.

He is obliged to go to France.

Great defects on from his party.

A. D. 1217. great credit and fortune) returned instantly to their allegiance, and were ever after faithful to their duty.

The legate's
vigour in fa-
vour of young
Henry.

The legate, to encourage this spirit, next declared, that all who should embark in defence of Henry and the royal cause, should have the same privileges with those who undertook a crusade. In consequence of this, he himself assumed the cross, and the bishops, as barons, drew the temporal sword. The important castles of Marlbridge, Farnham, Winchester, and Chichester were soon reduced; and such of them as had been erected by aliens, during the late troubles, were demolished. But that which was of still greater consequence, was the uncommon ardour shewn by the mariners of the Cinqueports, and other sea-port towns, in the cause of their sovereign. For the truce now drawing to a period, they put to sea, with a resolution to dispute the return of Lewis.

The Cinque-
ports dispute
Lewis's re-
turn.

Lewis returns
to England.

Escapes with
the earl of
Perche.

Burns the
town of Sand-
wich.

London still
firm to the
interest of
Lewis.

Rymer.

That prince still continuing in his designs upon England, had got together a fresh supply of mercenaries, under the command of the earl of Perche. With them he set out, and was encountered by the English fleet, who took and destroyed great part of his; but he himself, with the earl of Perche, and a body of soldiers escaped, and landed on the very day when the truce expired. The first thing he did was, in revenge for his loss, to burn the town of Sandwich. An impolitic and unmanly action! But he depended upon the friendship of London. That capital, as is common with other great bodies, when thoroughly heated, is long a cooling. John's ingratitude and barbarity had so compleatly exasperated the citizens, that their resentments were still open to the artful insinuations of the French faction; and some particular advantages of trade, which we find they enjoyed about this time with the dominions of Philip and Lewis, helped farther to cement the alliance. Yet all this would have been ineffectual, had not the noblemen who had personally been most injured by John chiefly resided in London, where they had vast estates, and a great share in the magistracy of the city itself.

The royalists
besiege Mount
Sorrel castle.

Lewis, therefore, immediately repaired thither, and found the citizens in general still firm to his interest. The truce had not been many days expired, before the royal party laid siege to the castle of Mount Sorrel, which still held out for Lewis. The place was defended by Henry Braybroc, who had under him ten knights, with a large number of soldiers. The fidelity of the garrison to the cause they had espoused had been amazing, and the royal party had mustered all their power to destroy this reproach to their arms. Their general was the earl of Chester, and under him served William earl of Albemarle, William earl of Ferrers, Robert de Vieuxpont, Brian de Lisle, William de Cantelupe, Philip Marc, Robert de Gaugi, Fowkes de Brent. Hearing of the arrival of Lewis, the siege was so briskly pressed, that the garrison was obliged to solicit succours from the earl of Winchester, who was the owner of the castle, and then at London. The earl ap-

plied to Lewis, and it was resolved to collect the whole strength of the party, and to risk a general battle, before the royal interest, which was daily increasing, should prove too strong. Great supplies had by this time arrived from France, and upon their muster of the forces, no less than six hundred knights and twenty thousand well-appointed troops appeared in arms. The chief of the leaders for Lewis were the earl of Perche, the earl of Winchester, and Robert Fitz-walter. On the last of April, 1217, they marched from London, where they left still behind them a large strength. All places through which they went were desolated by their rapines and impieties. They not only forgot that they were Christians, but men. They plundered churches, they burned down houses; tortures were applied alike to priests and laity, to force them to reveal their wealth; neither age, sex, nor condition were spared. Upon their approach, the earl of Chester, finding himself too weak, was obliged to raise the siege, and to withdraw towards Nottingham.

Gilbert de Gant then besieged the castle of Nottingham, which held out for the royal interest. The barons, therefore, having reinforced the garrison of Mount Sorrel, marched towards Lincoln, intending, if they could take that castle, to subdue the whole country round. But, notwithstanding their numbers and resolution, the place made so brave a defence, that all their assaults were ineffectual.

The barons
march to
Lincoln.

Lewis, trusting to the number and experience of his forces in the north, was now renewing the siege of Dover; but with equal bad success as that which his generals met with before Lincoln. The excessive barbarities committed by his party had now filled all England with horror, and even the citizens of London could not resist the force of this melancholy conviction. The wise regent determined to improve those sentiments, while the distance between Lewis and the rebels (for the remains of the associated barons now deserve that term) kept the strength of their party divided. Newark in Nottinghamshire was appointed the rendezvous of the royal interest: a summons was sent from the government, for all the king's tenants to repair thither on Whitsun-week. This was joyfully obeyed. The legate, the bishop of Winchester, and other prelates appeared in arms, and altogether (including the troops under the earl of Chester) made up a noble army, full of spirits, and longing to be revenged on the excommunicated French. The zeal of the churchmen helped to support and increase their alacrity. Fresh excommunications were pronounced on every solemn occasion; and the religious preparation of the army, at that critical juncture, gave them an ardour which seldom fails of success. The regent himself was at their head, and their first operation was to endeavour to relieve the castle of Lincoln, the city of which was in the hands of the rebels.

The royalists
rendezvous at
Newark.

Animated by
the clergy.

The latter could scarcely believe the report

A. D. 1217. port of their approach, which was regular and well concerted. The castle, by this time, was reduced to the last extremity; the rebels, therefore, determined to make one decisive assault from the town, and to keep upon the defensive against the regent. But Fowkes de Brent, a noted partisan, found means, at the head of his cross-bow-men, to throw himself, by a postern, into the castle. This enabled the garrison not only to defend itself, but to annoy the enemy; and the king's party making a vigorous attack at the same time upon the city, the rebels were thrown into the utmost consternation. At last, after a bloody dispute, the royal forces mastered one of the gates, and entered the city sword in hand. The rebels then made the best defence they could on the streets; but the royal party, animated with success, broke in upon them with such fury, that a total rout ensued; only a very few escaping either captivity or death. The earls of Winchester and Hereford, Gilbert de Gant, and Robert Fitz-walter were taken prisoners, together with almost four hundred knights, and a proportionable number of esquires and soldiers. The earl of Perche, refusing quarter, was killed in the streets, and most of the French cut off. This victory was in great part owing to the imprudence of the rebels, who shut themselves up in the city, being deceived by a stratagem which the royal party had made use of, to make their numbers appear more considerable. Trivet, and some of our old authors, suppose Lewis to have been present at this battle; but this I think is a mistake. The spoil of the city was immense, and the place being taken by storm, the plunder fell entirely to the royalists.

Mount Sorrel
castle levelled
to the ground.

This victory was decisive, and followed by the rebels evacuating the castle of Mount Sorrel, which was instantly levelled to the ground, by the sheriff of the county, and at the command of the regent. All the country round immediately submitted to the royal army; and the regent having then nothing to fear in the north, prepared to march southward, and to reduce the city of London itself. His army was now much increased by the daily resort of the loyal English, which enabled him to replace the garrisons that he had drawn out when he first marched against the enemy. He therefore sent the castellans to their several charges with their prisoners, whom he ordered to be kept under strict confinement, till the royal pleasure was known. He next proceeded on his march towards London.

It is more easy to conceive, than to express, the consternation into which the news of this defeat threw Lewis. His first step was to raise the siege of Dover, and to march to secure London. On the road he attempted to seize on Windsor castle, from whence he was repulsed; though some of our authors place this attempt before the battle of Lincoln. Then marching to London, he met the wretched remains of such of his party and nation as had escaped from the north. With those, and the army he had with

him, he shut himself up in London, from whence he sent the most earnest applications to his father and his wife for relief and assistance. The cautious old prince had been for some time sensible of the desperate state of his son's affairs in England, and resolved to detach himself from all concerns there as speedily as he could. For this purpose it is probable that he held a private correspondence with the regent, and that the latter had given him assurances that no violence should be done to the person of Lewis. For Matthew Paris informs us, that, when the agents of that prince laid before his father the lamentable situation of his affairs, the latter asked, whether the earl-mareschal of England was still alive? Being informed that he was. "Then, said he, I am under no pain about my son's person." This consideration, together with the fear of excommunication, prevailed with the king of France not to appear to take part with his son. Willing, however, to bring him off with as much credit as possible, he privately suffered his daughter-in-law Blanch, the wife of Lewis, to do all she could for the relief of her husband. As the inclinations of Philip were possibly no secret to his court, the lady soon raised no less than three hundred knights, with a great army of soldiers, who were to embark on board a fleet commanded by Eustace the monk, and to sail to England, when the land forces were to be commanded by Robert de Courtney, who was of the blood royal of France.

Private correspondence
between the
king of France
and the regent
of England.

Blanch, the
wife of Lewis,
raises forces
to be sent over
to her husband.

The English government were no strangers to those preparations. The naval force of the Cinque-ports, and of the towns lying opposite to France, was at this time in excellent condition, and a fleet of forty well-appointed ships was immediately fitted out, under the command of Philip de Albiney and John the mareschal. The wind blew fresh from the coast of France to that of England when the French set sail, which encouraged their admiral to hope that he would be able to run over into England before the English could give him any opposition. But the latter were now at sea, and, though the ships of the enemy were double their number, they resolved to attack them. The French, who saw them lying off, imagined that it was through fear; and being willing to make all the haste they could to the relief of their prince, they neglected to attack them, and made the best of their way towards the coast of England. This gave the English the wind of the enemy, so that, upon their tacking about, they bore down upon the French, not far from the isle of Thanet. The bowsprits of the English vessels were all armed with iron; and another circumstance, perhaps a little ridiculous, is related, that they had on board great quantities of lime, which being let fly in the air, were driven full in the faces of the French. But we may believe that the innate bravery of the English, thus skilled in naval affairs, and their contempt for a people they had so lately defeated, were more effectual for gaining the victory than both

The English
and French
fleets engage
near the isle of
Thanet.

Fowkes de
Brent enters
the castle by a
postern.

The royalists
enter Lincoln,

and defeat the
the rebels.

The earl of
Perche killed
in the streets.

Lewis raises
the siege of
Dover.

[Trivet, Wal-
tingham.]

Marches to
London,

and there shuts
himself up.

A. D. 1217. those expedients. For Philip de Albiney having lined his vessels with a good number of cross-bow-men and archers, made so good use of the wind, that the weight of his ships bore down and sunk many of the French transports, while the enemies themselves could scarce stand upon the deck, because of the destructive missiles with which they were plied by the English. The French admiral, on board of which their land general was, and three other ships of the French fleet, engaged the four foremost ships of the English; but the three French ships left their admiral and his ship in the hands of the English, who made them prisoners. The head of Eustace was immediately struck off, by Richard the bastard son of John; an action unwarrantable by the law of nations. The resistance the French fleet made, after this, was but feeble; and many of them being either taken or sunk, the rest of them were forced to make the best of their way back to the court of France. The ships taken by the English proved to be some of the richest in the whole fleet, having on board them a large quantity of money and arms (1).

Robert de Courtney taken prisoner. The head of Eustace the monk struck off.

Reflection.

When we consider the part which Lewis had all along acted in England, we cannot suppose that the regent, or the heads of the royal party, had any reason for entertaining against him a personal rancour: on the contrary, he had been invited over, perhaps by themselves; nor could they secretly blame him, for not directing his proceedings according to their convenience. The safety of the government and constitution required indeed that they should do their utmost to drive him from his footing in the kingdom; but it prompted them to no farther resentment. It might have been fatal if it had. The personal interest of Philip was great; the friendship of the see of Rome precarious; the government at home unsettled; and the lurking remains of disaffection deep and extensive: not to mention the dissatisfaction of the Scots, whose affairs were still intire. All these might have produced a terrible effect, had Lewis and his party been reduced to despair. But, besides all the considerations I have hinted, we are to reflect, that Lewis was still in possession of London; and that, if the citizens and he, driven to despair, had taken the resolution of burying themselves in its ruins, Henry, when arrived at maturity, might have justly blamed a resentment which had destroyed the pride and strength of his kingdom.

After these observations, it can be no surprise to the reader, that, though the regent was now at the head of an irresistible army,

and master almost of all England; excepting the city of London, yet he readily entered upon the preliminaries of a pacification, solicited by Lewis. But, to bring this peace to a more speedy and a safe conclusion, the marshal did not in the least relax in his preparations for besieging London by sea and land. But, on the 12th of June, the king and the court, being at Chertsey, were applied to for a safe conduct to the commissioners of Lewis for settling the terms of an accommodation. This was readily granted, and four noblemen of that prince's council, with twenty knights, had safe conduct to meet with an equal number of knights and noblemen on the part of the young king, in a certain place between Brentford and Hounslow. All that seems to have been done at the first conference, was a truce, which was renewed from time to time to the 11th of September, when a definitive treaty was agreed to by both parties; for we find that other conferences were held at Rochester about the latter end of June. The treaty, at last, was sworn to by Lewis and the young king, with their nobility. As a copy of this treaty has come to our hands, which there is all the reason in the world to believe is an original, we have the less reason to regard the narrative of Matthew Paris, which I have placed in the notes (2). We are, however, in justice to that great historian, to observe, that often-times articles, and particular stipulations, were sworn to, in those days, between princes, which were not reduced to writing. Of this kind I am apt to believe was Lewis's promise of standing to the judgment of the church, and of his never again returning to England with any hostile design; of his engagement to induce his father to restore king Henry to all his French dominions; and his promising, if he could not succeed, that he himself would restore them, when he came to the crown of France.

By the first article of the treaty before us, as printed in Rymer's collections, the English friends, partakers, and adherents of Lewis, were to be again put in possession of their estates, as they held them when the wars first broke out, and to be restored to their common rights of English subjects. The second and third articles stipulate the same for all Henry's party, in the city of London, and all other cities and boroughs. The fourth article regards the prisoners made by both parties since the commencement of the war, who are now all of them to be released; and a commission is appointed to enquire into what prisoners had been made since or before that period. The fifth article regards

The marshal besieges London by sea and land.

Rymer, vol. i. p. 221. Treaty between Henry and Lewis.

Articles thereof. Rymer, vol. i. p. 221.

(1) The additions to M. Paris suppose Hubert de Burgh to have commanded in this battle, but I think without probability.
(2) Lewis swore, That he, and all with him that were excommunicated, would stand to the judgment of holy church, and for the future would be faithful to the pope and church of Rome; that he would forthwith depart the kingdom of England, and never more return again with any ill design during his life; and that he would endeavour all he could to induce king Philip, his father, to restore to king Henry all his rights beyond the seas; and that, when he should come to be king, he would quietly restore them; and that he should immediately deliver to the king all those castles, with their lands, he had possessed himself of in England during this war. King Henry, with the legate and marshal, swore, they would restore to the barons of England, and to all others of the kingdom, all their rights and inheritance, together with the liberties they before desired, for which there arose so great discord between king John and the barons; neither should it be any damage or reproach to any that had adhered to the one or the other side: that all prisoners who had redeemed themselves before this peace was made, and had paid part of the money for their redemption, what was paid should not be returned, and what remained should be remitted: that all prisoners, either taken at Lincoln or at sea, whether of the king's or Lewis's side, should, without any difficulty or price of redemption, be set free. Matt. Paris.

A.D. 1217. the sums paid for ransom of prisoners. The sixth is of little importance. By the seventh, all prisoners, and all who had taken up arms against king John, had a liberty of renewing their homages to Henry, and enjoying their birth-rights as Englishmen. The eighth article obliges Lewis to set at liberty the hostages which had been sent him, upon his first invitation, for the payment of a certain sum not specified. By the ninth, Lewis is obliged to give up to Henry all the places in his possession within England. By the tenth article, all the islands taken by ships from Henry, or his father, were to be delivered back; and if the brothers of Eustace the monk, who, it seems, had those islands in possession, should refuse to do it, then Lewis was to treat them as rebels. By the eleventh, twelfth, and thirteenth articles, the king of Scotland and the prince of Wales were invited to be comprehended in the treaty, upon the same conditions. By the fourteenth, Lewis was to acquit the English of all their engagements to him, of what kind soever. By the fifteenth, the barons of England were to swear never again to enter into any engagements, of that kind, against Henry; and by the sixteenth, Lewis swore to the observance of this peace, and to his doing his best for obtaining a confirmation of it from the pope, or his legate, in his favour. These three last-mentioned articles seem virtually to imply what Matthew Paris has mentioned concerning Lewis obliging himself never again hostilely to invade England. The remaining articles are of little or no importance, only the word partakers was explained to belong to the laity only; and we are to observe, they were concluded at Lambeth, and not at Staines, where most of our historians have fixed them.

Lewis's submission to the legate, who absolves him.

Borrows five thousand pounds from the city of London.

King Henry enters London.

The articles of peace being ratified, Lewis came in the most submissive manner to the pavilion of the legate, bare-footed and ungirt; where he obtained absolution, and from thence he set out for London. That city, having of late suffered many hardships, could advance no more than the sum of five thousand pounds for discharging his debts; and on the 14th of September, the king sent him a safe conduct from Kingston, with this remarkable expression, "That he would look upon whatever was done to Lewis and his retinue, as being done to his own person."

No sooner did Lewis leave London, than the young prince entered it, with as much pomp as the circumstances of the times could admit of; and was received with as much joy as men delivered from impending misery, and just restored to their right senses, could express. The sword of war being now sheathed, the cares of the regent were directed towards improving the peace which his prudence and virtues had established; but that was a more difficult task than any he had yet experienced. Some of the nobility of Henry's party looked upon the grants of John to be valid, as he lived and died in the exercise and possession of regal power. Many of them had received grants from him

of estates, which by the late treaty they were obliged to restore. This, no doubt, created several disputes in the council, as well as the personal animosities into which the noblemen of different parties had run during the late troubles. But we do not find, that this year any open hostilities were committed.

But if any injustice was done by the late treaty, it was to the clergy of Lewis's party, who were thereby left absolutely exposed to the resentment of the see of Rome. The legate set up an inquisition, which prevailed all over England, against those clergymen who had been found to favour Lewis. Such of them whose names were returned to the legate by the inquisitors, were deprived of their benefices, which were given to the legate's creatures, unless they could redeem them by exorbitant fines. Simon de Langton, and Jarvis de Hobrugge, were stripped of all their ecclesiastical preferments; and the bishop of Lincoln was obliged to pay a thousand merks to the pope, and a hundred to the legate, for leave to continue in his see.

The clergy of Lewis's party excepted from absolution, and deprived of their benefices.

The bishop of Lincoln pays a fine for leave to continue in his see.

Alexander king of the Scots interdicted.

While all these negotiations were depending, Alexander king of the Scots began to suspect that he might be abandoned by the English barons, with whom he had formerly been so closely connected, both he and his kingdom standing at this time interdicted. He foresaw, that by the terms of the late treaty with Lewis, he was likely to obtain no satisfaction with regard to his claim to the northern counties; but he was persuaded, from the present disposition of the English in general, that he had little to trust to from them. His subjects indeed, and the commons of Carlisle, had despised all the censures of the pope; so that neither he, nor his people, found any inconveniences from those thunders which had shaken, and almost ruined, the constitution of England. But he was wise enough to preserve the tranquillity of his people, by acceding to the treaty of Lambeth. Accordingly he delivered up Carlisle, and was absolved from his excommunication by the archbishop of York and the bishop of Durham. He was then commanded by Henry to meet him at Northampton, in order to renew his homage for the earldom of Huntingdon and his English possessions. Alexander obeyed the summons, and performed his homage to Henry at Northampton, where he kept his Christmas court this year.

Disregards the pope's excommunication,

accedes to the treaty of Lambeth, and is absolved.

Does homage to king Henry at Northampton.

Together with him, Henry Llewellyn prince of Wales, and the king of the Isles, renewed their submissions to the English government; and we find, about this time, a treaty of commerce concluded between Henry and Haquin king of Norway.

As do also the prince of Wales, and king of the Isles. Rymer, vol. i. p. 223. Treaty of commerce between king Henry and Haquin king of Norway.

The year 1218 threatened the renewal of all the miseries which the English had been just delivered from, and which nothing but the great wisdom and resolution of the regent could have prevented. Among the noblemen who had shared most deeply in the grants of forfeitures made by John, were William earl of Albemarle, Robert de Vipont, Brian de Lisle, Hugo de Baliol, Philip Marc, and Robert de Gaugl. These, being men